

# **Session in Review | 2014**

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Measures passed during the Second Session of the 54<sup>th</sup> Oklahoma Legislature  
Jeff Hickman, Speaker  
Oklahoma House of Representatives

**Prepared by**

*Research Division*

Oklahoma House of Representatives

- Marcia L. Goff, Research Director
- Brad Wolgamott, Deputy Research Director
- Kyle Meade, Research Analyst
- Quyen Do, Research Analyst
- Scott Tohlen, Research Analyst
- Sean Webster, Research Analyst
- Tricia Dameron, GIS Coordinator/Research Analyst

.....

- Jeff Hickman, Speaker of the House
- Jan Harrison, Clerk of the House
- Joel Kintsel, Parliamentarian/Administrator

- Sue Ann Derr, Chief Counsel
- Mark Tygret, Fiscal Director

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# 2014 SESSION IN REVIEW

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## Administrative Rules

The Legislature reviewed numerous governmental entities that were to sunset this year unless extended. The table below shows the entities reviewed and their new sunset date.

<b>Bill</b>	<b>Entity</b>	<b>New Sunset Date</b>
<b>HB 3190</b>	Oklahoma Accountancy Board	2020
<b>HB 3191</b>	State Board of Licensure for Professional Engineers and Land Surveyors	2020
<b>HB 3192</b>	Oklahoma Climatological Survey	2020
<b>HB 3193</b>	Oklahoma Strategic Military Planning Commission	2020
<b>HB 3194</b>	Electronic and Information Technology Accessibility Advisory Council	2020
<b>HB 3195</b>	Long-Term Care Facility Advisory Board	2020
<b>HB 3198</b>	Oklahoma Educational Television Authority	2020
<b>HB 3199</b>	Oklahoma Funeral Board	2020
<b>HB 3200</b>	State Board of Licensed Social Workers	2020
<b>HB 3201</b>	State Board of Veterinary Medical Examiners	2020
<b>HB 3202</b>	Child Death Review Board	2020
<b>HB 3203</b>	Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior	2020
<b>HB 3204</b>	Group Homes for Persons with Developmental or Physical Disabilities Advisory Board	2020
<b>HB 3205</b>	Oklahoma Board of Licensed Alcohol and Drug Counselors	2020
<b>HB 3243</b>	Oklahoma Advisory Council on Indian Education	2020

## **Agriculture, Environment and Wildlife**

### **Agriculture**

The Legislature made numerous operational changes to agricultural industry boards by creating procedures to allow boards to convert to private or nonprofit organizations.

**HB 2566** establishes procedures for statutory agricultural commodity boards to convert to private entities. The measure applies the new voluntary procedure to the Oklahoma Peanut Commission and the Oklahoma Wheat Commission. Existing employees, at the time of conversion to a private entity, will retain their retirement plan.

A related measure, **SB 1851**, creates the Commodity Research Enhancement Act, which provides procedures for federally approved commodity boards to petition the state Department of Agriculture, Food and Forestry for designation as a nonprofit commodity organization. Upon the designation, members of the organization may elect to levy an assessment to finance research and marketing. Finally, the bill specifies that the cost associated with consideration of the petition is to be borne by the nonprofit organization. Similar language was originally contained in SB 1673, which was vetoed.

In an effort to ensure state control of federal programs, **SB 1590** directs the Board of Agriculture to create rules related to on-farm fruit and vegetable production and regulation.

**HB 2765** amends the expiration dates for animal shelter operator and commercial pet breeder licenses to January 1 and July 1, respectively.

### **Environment**

**SB 1884** amends the Combined Pesticide Law to delete threshold levels for certain pesticides in soil residue, eliminates out-of-date chemicals and directs the Board of Agriculture to promulgate state rules that are consistent with the Federal Insecticide, Fungicide and Rodenticide Act.

**HB 3160** clarifies that it is unlawful for a person to represent themselves as a scrap metal dealer without a scrap metal dealer license. The measure establishes administrative penalties of not less than \$100 and no more than \$10,000 for violations of the Scrap Metal Dealers Act and allows for the issuance of temporary or permanent injunctions.

**HB 2378** amends the Oklahoma Hazardous Waste Management Act by offering a “Good Samaritan” status and liability protection for people who voluntarily assist with hazardous waste reclamation or water pollution abatement projects. Those seeking the liability protection must submit a plan for approval by the Department of Environmental Quality.

**SB 1336** authorizes the Department of Environmental Quality to create administrative rules regarding permit requirements for the construction and operation of landfills. The measure also authorizes the agency to issue temporary permits for research and development activities related to landfill sites. Landfills of a certain size currently are required to develop and implement a vegetation plan to prevent erosion, control dust and improve aesthetics; the measure allows for alternative plans that accomplish similar objectives.

**SB 1964** repeals the executive environmental subcommittee of the Governor's cabinet.

## Water

The Legislature passed **SB 1187** as an effort to provide adequate water supply in state reservoirs by authorizing wastewater reuse. The measure requires the Oklahoma Department of Environmental Quality to issue permits for point-source discharges into sensitive water bodies, provided the discharges do not contain concentrations of pollutants greater than the existing concentrations in the water body.

**SB 2136** transfers \$1,538,521 from the 2014 Oklahoma Water Resources Board appropriation to the Rural Economic Action Plan Water Projects Fund to be used for emergency drought grants.

**SB 1508** modifies the eligibility requirements for individuals who are appointed or elected to the board of directors of a master conservancy district. The measure prohibits municipal employees from being eligible to serve as a member of the board. However, a current member who is a municipal employee may complete their term and run for re-election. The measure also increases the per diem to board members from \$50 to \$100.

**SB 1413** modifies the membership of the Water Quality Management Advisory Council to include a representative of a commercial or public laboratory accredited by the Department of Environmental Quality for both the Drinking Water and the General Environmental Laboratory classifications.

## Wildlife

The Legislature fine-tuned the state's regulations regarding fish and wildlife and the Department of Wildlife's administrative procedures.

**HB 2618** requires an individual to possess a nuisance wildlife control operator permit in order to engage in trapping, possessing, transporting or euthanizing nuisance wildlife for commercial purposes. The Department of Wildlife Conservation issues the \$75 permit upon the successful completion of a certification exam.

The Legislature exempted the Department of Wildlife Conservation from certain provisions of the Public Competitive Bidding Act. **HB 3134** authorizes the department, rather than the Office of Management and Enterprise Services, to administer the bidding process for conservation projects that are \$25,000 or less.

**HB 2518** amends lifetime hunting and fishing license eligibility requirements by including a provision that applicants intend to remain residents of Oklahoma.

**HB 3135** adds quail to the list of excluded game for certain five-day nonresident hunting licenses. The licenses currently exclude deer, antelope, elk, turkey and bear.

## Criminal Justice

This session, the Legislature focused on protecting victims of human trafficking and domestic violence, as well as improving the state's response to combating drug abuse.

**HB 2353** adds human trafficking to the list of crimes for which a person must serve 85 percent of the sentence imposed. The measure also increases the penalty for human trafficking to a term of between five years and life imprisonment, a fine of not more than \$100,000 or both fine and imprisonment. If the victim was under the age of 18, the penalty is increased to a term of not less than 15 years imprisonment, a fine of not less than \$250,000 or both fine and imprisonment. A nearly identical measure, **SB 1433**, in addition to the 85 percent requirements, the measure directs that offenders be in compliance with the standards for Class Level 2 behavior while incarcerated to qualify for achievement earned credits.

Another measure, **SB 1538**, allows a civil action brought in a human trafficking case to be instituted in the district court in the county in which the prospective defendant resides or has committed any act which subjects him or her to liability. The measure establishes that the statute of limitations does not commence until the plaintiff discovers or reasonably should have discovered that he or she was a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking.

**SB 1431** provides that persons convicted of human trafficking are subject to the Sex Offender Registration Act if the crime involved human trafficking for commercial sex.

Finally, **HB 3496** requires every person having reason to believe that a person or child-placing agency is engaged in the crime of trafficking in children to report the matter promptly to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control. The bureau is to refer the information to the appropriate district attorney within 7 days of receiving a report.

A related measure, **HB 2349**, increases the fine for maintaining a house of prostitution from not less than \$100 to a fine of not less than \$2,000. The measure also increases the fine involving obscene materials from not more than \$1,000 to not less than \$2,000 and the term of imprisonment to not less than three years nor more than 20 years. The punishment for second and subsequent violations related to child pornography is established as imprisonment for not less than 10 years nor more than 30 years, a fine of not less than \$20,000 or both fine and imprisonment.

The issue of sexting was also addressed by the Legislature with the enactment of **HB 2541**. The measure provides that persons under the age of 18 who engage in the transmission of obscene material or child pornography, or the parents of such person, can be required to attend and complete an educational program that addresses the possible consequences of sharing obscene materials or child pornography. The bill provides that it is an affirmative defense if a juvenile has not solicited the visual depiction and does not subsequently distribute or exchange the visual depiction. Additionally, the measure requires each school board to establish a procedure for referral of a person who commits an act of bullying to a delinquency prevention and diversion program administered by the Office of Juvenile Affairs.

The Legislature also took steps to improve the laws relating to child abuse and domestic violence. **HB 2334** modifies several definitions related to child abuse as used in the criminal code:

- *child abuse* is the willful or malicious harm or threatened harm or failure to protect from harm to the health, safety or welfare of a child under 18 years of age by another, or the act of willfully or maliciously injuring, torturing or maiming a child under 18 years of age by another;
- *enabling child abuse* includes the harm or threatened harm of a child or failure to protect a child from harm;
- *child sexual abuse* includes rape, incest and lewd or indecent acts or proposals to a child;

- *enabling child sexual abuse* includes rape, incest and lewd or indecent acts or proposals to a child;
- *child sexual exploitation* includes allowing, permitting or encouraging a child under 18 years of age to engage in prostitution or allowing, permitting, encouraging or engaging in the lewd, obscene or pornographic photographing, filming or depicting of a child under 18 years of age by another; and
- *enabling child sexual exploitation* includes allowing, permitting or encouraging a child under 18 years of age to engage in prostitution or allowing, permitting, encouraging or engaging in the lewd, obscene or pornographic photographing, filming or depicting of a child under 18 years of age by another.

The measure also clarifies that the changes made to these definitions does not prohibit any parent or guardian from using reasonable and ordinary force against a child.

**HB 2526** requires peace officers who are investigating a domestic violence complaint to conduct a lethality assessment when interviewing the alleged victim. The officer must ask several questions of the victim and, based upon the results of the assessment, provide referrals to shelters, domestic violence intervention programs and other social services.

**SB 2046** provides that any guilty or nolo contendere pleas or findings of guilt to domestic violence is to be considered a conviction of the offense for a period of 10 years following the completion of any sentence or court imposed probationary term.

**SB 1364** prohibits a person required to register as a habitual or aggravated sex offender from entering any park. *Park* is defined to mean any outdoor public area specifically designated as being used for recreational purposes that is operated or supported in whole or in part by an association of homeowners or a city, town, county, state or federal governmental authority.

**SB 1421** prohibits registered sex offenders from petitioning the court for a name change.

**HB 3016** requires a person subject to the Oklahoma Sex Offender Registration Act to register with local law enforcement in the jurisdiction the offender resides or intends to reside for seven consecutive days or 14 days within a 60 day period.

### **Miscellaneous Criminal Justice**

**HB 2342** provides a definition of *property and personal property* as used relating to searches and seizures. *Property and personal property* is defined as items and information that can be analyzed, seen, weighed, measured, felt or touched or that are in any other manner perceptible to the senses. The bill clarifies the procedure for an oral request to a magistrate for a search warrant or affidavit and provides that a search warrant authorizing a forensic, scientific or digital analysis of items already in the possession of law enforcement must be commenced within a reasonable time and the return of the warrant must be made within 10 days following the completion of the search.

**HB 3160** clarifies that it is unlawful for a person to represent themselves as a scrap metal dealer without a scrap metal dealer license. The measure establishes administrative penalties of not less than \$100 and no more than \$10,000 for violations of the Scrap Metal Dealers Act and allows for the issuance of temporary or permanent injunctions.

**HB 3254** provides that when an applicant asserts a claim of ineffective assistance of counsel, the state has 90 days after the docketing of the application to respond by answer or by motion.

**SB 72** prohibits a person from administering a nonpoisonous desensitizing substance to a police dog or police horse. In addition to the existing prohibition on killing a police dog or horse, the measure makes it a crime to

injure or set a trap for the purpose of injuring or to pay or agree to pay a bounty to injure any police dog or horse. The measure increases the punishment for this crime from 2 to 5 years imprisonment.

**SB 639** increases the total number of OSBI employees assigned to the Child Abuse Response Team (CART) from two to eight, transfers the previously unclassified position of CART investigator and CART forensic interviewer to the classified service and modifies the required qualifications of the agents.

**SB 1183** modifies several operational provisions related to the Board of Medicolegal Investigations including:

- requiring the board to elect a chair and vice chair annually and prohibiting members of the board from serving in the same capacity for more than two consecutive years;
- deleting the restrictions related to the performance of an autopsy on an executed inmate;
- requiring the medical examiner to document when an autopsy reveals that the deceased had drugs in their system at the time of death;
- specifying that the medical examiner may charge a fee for storage of biological specimens for no more than five years;
- authorizing the board to charge a fee for out-of-state shipment of human remains when the medical examiner is not required to perform an autopsy;
- requiring the medical examiner to report to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control upon determining that a death was caused by an overdose of controlled dangerous substances; and
- directing the bureau to maintain records containing the classification of medical practitioners who prescribe dangerous substances.

**SB 1842** modifies the definition of *offender*, as used in the Delayed Sentencing Program for Young Adults, to include a young person who has no charges pending for a violent offense nor has been convicted of numerous listed violent offenses.

## Juvenile Justice

The Legislature acted to ensure confidential juvenile records continue to be available to those working to help them. **SB 929** authorizes the disclosure of Office of Juvenile Affairs (OJA) records without a court order upon the child's turning 18 or termination of court jurisdiction, whichever comes later. The measure clarifies the definition of *juvenile detention facility* by specifying that it must be secured by locked rooms, buildings and fences. Additionally, OJA is given standing to seek review, including appellate review, of any order that directs the office to take any action with regard to a youthful offender placed in their custody or supervision. Finally, if a motion is made to retain custody of a delinquent child until the age of 19, he or she will be considered a child for the purposes of secure detention.

**SB 1791** clarifies that confidentiality requirements for juveniles' records do not prohibit the Department of Human Services from providing those records to the Office of Juvenile Affairs for processing foster care applications. The measure also directs that any member of a city-county Health Department Fetal Infant Mortality Review may have access to juvenile court and DHS records without a court order, as long as the records are directly related to the investigation.

**SB 1520** gives access to the Oklahoma School for the Blind and the Oklahoma School for the Deaf, matching access that other schools and school districts have. **SB 1235** allows employees of the Department of Mental Health and Substance Abuse Services access to records they may need in the course of their official duties.

Under **SB 1900**, the Department of Human Services must refer cases of alleged abuse or neglect to law enforcement for criminal investigation when the case involves a child in the custody of OJA, if the child was in a secure facility operated by OJA.

**SB 1914** prevents any arrest or detention under the Juvenile Code from being considered an arrest, detention or conviction for purposes of employment, civil rights or any other public or private purpose.

**SB 1293** removes the requirement that OJA give the foster parent a copy of its placement policies when a child is placed in the home.

**SB 1902** authorizes OJA to open and operate its own charter school. The Board of Juvenile Affairs would act as the school's governing body.

**SB 1781** allows the Office of Juvenile Affairs access to any and all jails, adult lockups or other detention facilities whenever a juvenile is placed there and to have access to those facilities and their data to assure compliance.

### **Drug Control**

**HB 2665** allows the director of the Oklahoma Bureau of Narcotics and Dangerous Drugs Control to disclose information related to the Oklahoma Prescription Monitoring Program to prescription monitoring programs in other states, provided a reciprocal data-sharing plan is in place.

**HB 2666** adds numerous synthetic controlled substances to the Uniform Controlled Dangerous Substances Act in an effort to combat the increased use of synthetic drugs, known as K2 or spice. The measure also allows subtle changes to existing banned substances to be considered illegal if the chemical compound falls within a certain chemical group.

**HB 2589** adds four additional drugs to the Trafficking in Illegal Drugs Act. Depending upon the quantity in their possession, persons convicted under this act would receive twice the prison term for possession of the substance. For a second violation of trafficking, the offender would receive a sentence of three times the sentence for possession. For a third or subsequent trafficking offense, the offender would receive a sentence of life without parole.

## Economic Development and Financial Services

The Legislature took action to expand and extend programs designed to spur economic development throughout the state, while also ensuring that unemployment benefits are provided only to those who meet the program requirements.

### Incentive Programs

Legislators had a specific project in mind when they passed **HB 1416**. The measure amends the definition of *basic industry*, as it relates to the Oklahoma Quality Jobs Program Act, to include *proxy establishments*. A *proxy establishment* is a public trust whose purpose is to benefit a geographic area where new direct jobs are created by an establishment, other than the proxy establishment, that is a branch of the Armed Forces of the United States. The measure will assist Tinker Air Force Base in the \$44 million purchase of the BNSF Railway Yard, so that the 175 acre property can be used to build an aircraft maintenance facility for the military's new KC-46A refueling tanker. The facility is projected to create 1,300 new jobs and another 2,000 civilian jobs upon completion.

**HB 2956** expands the Small Employer Quality Jobs Program to allow businesses located in larger counties to participate. The measure removes the population qualifier in the program, which is currently restricted to qualified establishments located in counties with a population under 200,000 or located in an opportunity zone.

**HB 2509** extends the sunset date of the aerospace engineer tax credit to January 1, 2018. The measure also modifies the definition of *qualified employee* to include those who worked in the aerospace sector, not as full time engineers, prior to receiving an undergraduate or graduate degree.

**HB 2580** extends the sunset date of the Compete with Canada Film Act to July 1, 2024. The film rebate program was set to expire July 1, 2014. The program offers a 35 to 37 percent cash rebate on Oklahoma expenditures to qualifying companies filming in the state.

**HB 2711** extends the sunset date of the Oklahoma Quality Events Incentive program to June 30, 2018. The measure simplifies the method for determining the economic impact of a quality event by deleting the definition of *quality event area* and *revenue capture period* from the act. The economic impact report will be determined using the dates during which a quality event is hosted, instead of the revenue capture period.

### Unemployment Compensation

**HB 2505** makes numerous changes to provisions relating to unemployment benefits. Most notably, the measure requires the Oklahoma Employment Security Commission (OESC) to randomly review 5 percent of unemployment benefits cases where misconduct was alleged. The measure also modifies the definition of *misconduct*. A misconduct violation does not require a prior warning from the employer and as long as the employee knew, or should have reasonably known, that a rule or policy of the employer was violated, the employee will not be eligible for unemployment benefits. There is also a rebuttable presumption of misconduct if a state or federal agency has findings of failure by the employee to meet the applicable civil, criminal or professional standards of the employee's profession.

The measure also provides that reimbursed pay or back pay received by a recipient of unemployment benefits will be subtracted from the claimant's weekly benefit check if the claimant is placed on furlough or experiences a work stoppage due to a lapse in appropriation or a budget shortfall and is subsequently reimbursed full pay when the work stoppage period ends. The OESC is authorized to reconsider a benefit

determination to correct for any reimbursed or back pay received by a claimant. An employer may also file an untimely objection to a claim for unemployment benefits if good cause is shown.

Lastly, the measure repeals the Shared Work Unemployment Compensation Program. The program was established in 2011 to allow certain employees to collect partial unemployment benefits if the employees share the work remaining after a reduction in the total number of hours of work and a corresponding reduction in wages.

**HB 2914** provides professional employer organizations with the option to file reports and pay contributions to the OESC under one account of the organization for all its clients or file separate reports and payments for each individual client represented by the organization. If the organization decides to pay contributions separately, they must assist OESC in the process of separating and identifying the contribution history, benefit experience history and payroll of each client account separately. All professional employer organizations must decide by January 1, 2015 which reporting option to follow.

### Consumer Credit

**HB 3346** requires lenders to disclose to a consumer loan debtor the information required by the Federal Consumer Credit Protection Act and allows the administrator of the Oklahoma Department of Consumer Credit (OKDOCC) to enforce the disclosure provisions. The measure also modifies the Consumer Credit Code to bring the language into compliance with federal law.

**SB 1515** allows the administrator of the OKDOCC to impose an administrative fine up to \$5,000 against a consumer litigation funder for a violation of the Uniform Consumer Credit Code. The measure also repeals a provision in the code that required the amount due in a consumer litigation agreement to be prepaid and predetermined and not based on the amount of recovery from the legal claim.

**SB 1698** modifies the maximum amount of loan finance charges that may be charged by a supervised lender. A supervised lender may charge 25 percent per year on the unpaid balance of the principal or use the sliding scale below to determine finance charges.

Current		SB 1698 (effective August , 2014)	
Principal Loan Amount	Max Loan Finance Charge/Year on the Unpaid Balance (percent)	Principal Loan Amount	Max Loan Finance Charge/Year on the Unpaid Balance (percent)
\$300.00	30 percent	\$2,910	27 percent
\$300.00-\$1,000.00	21 percent	\$2,910-\$6,200	23 percent
\$1,000 or over	15 percent	\$6,000 or over	20 percent

The measure also allows the administrator to impose a fine between \$100 and \$2,500 against a supervised lender licensee for each violation of the Consumer Code Credit, provided the total fines from a single incident cannot exceed \$5,000.

**SB 1941** clarifies that a deferred deposit loan transaction is complete when the deferred deposit loan is paid in full.

**SB 1940** allows the administrator of the OKDOCC to reduce annual license fees for a specific renewal period, provided licensees are notified of a fee reduction prior to November 1 of the license renewal period.

## Professions and Occupations

Under increased scrutiny following last year's deadly tornadoes, roofing contractors are now required to register with the Construction Industries Board under **HB 3184**. The measure exempts charitable organizations, handymen and prime contractors who subcontract their roofing work from the requirement to register. Roofing contractors are required to display their firm's name and registration prominently at the job site and on other business materials. Finally, the bill directs the board to establish educational standards.

**SB 417** requires appointments to the Oklahoma Uniform Building Code Commission to be staggered four year terms. Appointed members are limited to two consecutive full four-year terms, provided members may be reappointed after a two year absence from the commission. An outgoing member may continue to serve beyond their term limit until a successor is appointed. The measure also allows the commission to establish a training and certification process for residential and commercial building code inspectors and directs the commission to establish regional training academies to train county and municipal inspector in the Uniform Building Code. The training will be paid for from permit fees and all inspectors acting on behalf of the state must complete the training on and after January 1, 2015. Finally, the measure removes the ability to charge a late fee for past due payments for building permits.

**SB 1399** modifies appointment criteria for the Alarm and Locksmith Industry Committee. Currently, no more than two members of the committee can come from each of the identified working fields. The bill allows for more than two members from a single working field and adds *fire sprinkler* as a working field. The fields include:

- burglar alarm
- fire alarm
- fire sprinkler
- electronic access control
- locksmith
- closed circuit television
- nurse call systems

If no one from a specific field is qualified to fill a vacancy on the committee, a qualified representative from another field may be appointed instead.

**SB 1724** updates and clarifies qualification standards for licenses issued to architects and interior designers and provides an exemption from testing if it is determined that an applicant is qualified by equivalent standards. The measure also prohibits architects from holding a financial interest in a company bidding for a contract on a building for which the architect had prepared plans and specifications.

**SB 1809** gives the Appraiser Qualification Board of the Appraisal Foundation authority to define the experience and education requirements for real estate certification. Effective in 2015, a criminal records search and fingerprint check will be required on new applications for certification. The measure adds fraud, felony conviction and breach of trust as grounds to deny certification.

**SB 1929** clarifies that most of the Oklahoma Cosmetology and Barbering Act's provisions refer to both cosmetology and barbering. Requirements for members of the board are changed so that six members would be experienced cosmetologists and one would be an experienced barber. The amount of continuing education required to renew an expired license no longer varies based on how long the license has been expired. Finally, the bill clarifies that unsanitary operating practices may now lead to denial or revocation of a license and allows the board to levy fines against those practicing without a license.

## Miscellaneous

**HB 2344** removes the one-time license fee for boiler or pressure vessel installer technicians.

**HB 2380** requires completion of 90 hours of advanced real estate instruction for renewal of a real estate broker or broker associate license. Previously, only basic instruction was required.

**HB 2531** modifies the Oklahoma Horse Racing Act by authorizing the executive director of the Oklahoma Horse Racing Commission to purchase motor vehicles, uniforms and equipment. The measure also authorizes the commission's officials and employees to travel and be reimbursed for expenses in accordance with the State Travel and Reimbursement Act.

**HB 2838** modifies provisions within the Oklahoma Security for Local Public Deposits Act by authorizing a public entity's treasurer to permit a designated depository to redeposit funds into interest bearing demand deposit accounts in one or more federally insured banks or savings and loan associations. The principal and interest must be insured by the Federal Deposit Insurance Corporation.

**HB 3343** repeals the Task Force on Electronic Commerce which was established in 2001 to study the technology of and applications for electronic commerce.

**SB 1730** allows disbursements made by a horsemen's bookkeeper to be cancelled if the amount is less than \$50 and is not cashed after three years. The bookkeeper must receive approval from the official horseman's representative organization and the Oklahoma Horse Racing Commission and use the funds to pay for purses for participating horses of the same breed.

**SB 1826** provides that a distributor, wholesaler or retailer who sells fireworks to the public may purchase merchandise out of the state, as long as the retailer buys from an entity that has a license to do business in the state.

**SB 1904** amends the definition of *Oklahoma assets*, as used in the Family Wealth Preservation Trust Act, to include any equity or debt interest issued by an Oklahoma-based company but without reference to assets owned by the Oklahoma-based company. The measure also removes an exception that would allow a compelling revocation of a preservation trust to pay off debts of the grantor if any property contributed to the trust by the grantor has an aggregate fair market value over \$1 million.

**SB 1979** creates the J.M. Davis Arms and Historical Museum Endowment Fund and directs that annual deposits of earnings from the fund be deposited into the J.M. Davis Memorial Commission Revolving Fund.

## Education

During the 2014 session, the Legislature addressed several controversial topics, including the Common Core State Standards, the third-grade retention law and school athletic associations. Additionally, the Legislature continued to focus on law enforcement officials, the military and their families through the passage of legislation designed to make career tech and higher education more affordable and flexible.

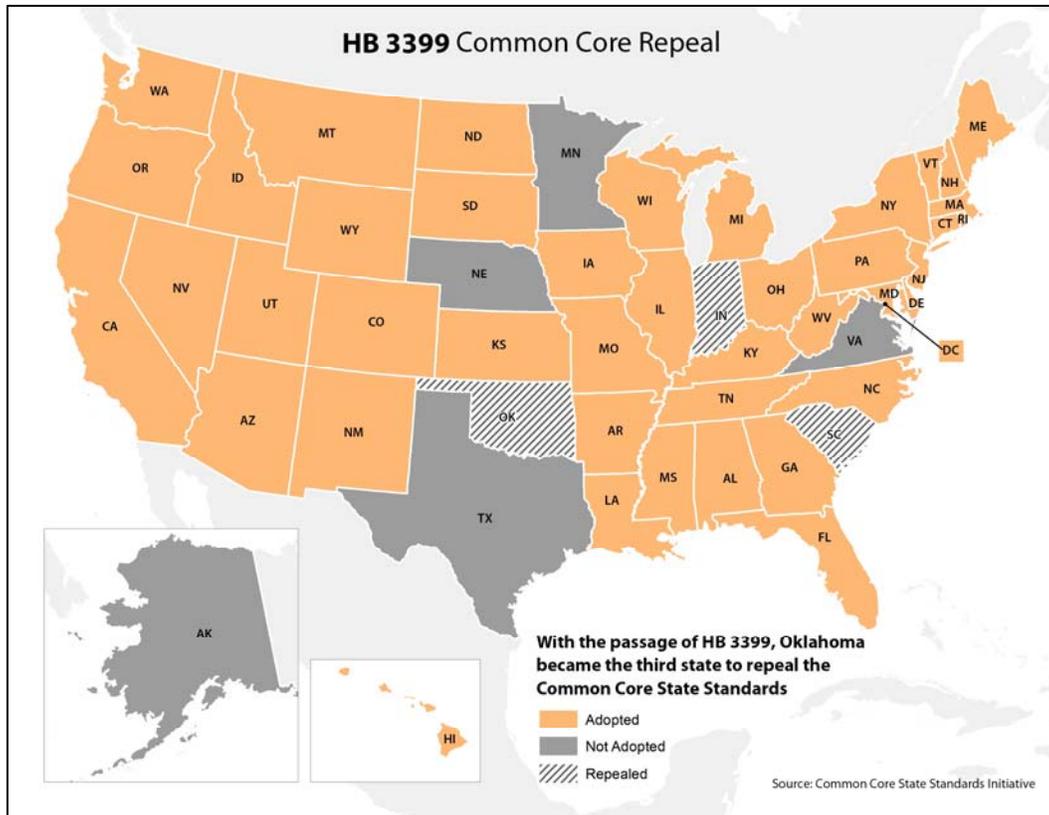
### Common Education

The third-grade reading proficiency law came under scrutiny this year over concerns that parents were not sufficiently involved in the decision to promote or retain their children in the third grade. Originally vetoed but overridden by the Legislature, **HB 2625** keeps the reading proficiency exam but puts in place a temporary approach to promotion or retention. The measure requires school districts to immediately begin a student reading portfolio for students who, at any point during their third-grade year, are identified as having a reading deficiency. The reading portfolio provides evidence that a student has mastered academic standards in reading and can read at grade-level.

Students who score at the limited knowledge level on the third-grade reading exam may qualify for automatic promotion to the fourth grade and districts are required to provide an annual report of the number of students promoted in this manner. Prior to promotion, a parent must be informed of their child's score and decide whether or not the child is retained in the third grade. If a child is promoted, the student reading proficiency team will develop an intensive remediation plan. A student not subject to a good cause exemption will be ineligible for automatic promotion at the end of the third grade if the student does not satisfy proficiency requirements through an assessment or student portfolio.

The measure provides that for the 2013-14 and 2014-15 academic years, the student will be evaluated by the proficiency team for probationary promotion to the fourth grade. Each district superintendent must approve the team's recommendation for promotion and the team must continue to review the student's reading performance until proficiency is demonstrated; school districts must report the number of students promoted to a subsequent grade while under probationary status. Beginning in the 2015-16 academic year, students who do not demonstrate proficiency and do not qualify for a good cause exemption will be retained in the third grade and be provided intensive instructional service and supports. Lastly, school districts may apply the principles of the student reading proficiency team to kindergarten through the second grade.

Responding to constituent concerns over the Common Core State Standards and to return control over curriculum to the local community, the Legislature passed **HB 3399**. The measure requires that by August 1, 2016, the State Board of Education adopt, in consultation with the State Regents for Higher Education, the State Board of Career and Technology Education and the Oklahoma Department of Commerce, standards for English Language Arts (ELA) and mathematics that are considered college and career ready. Until new standards are adopted, schools will use the Priority Academic Student Skills (PASS) standards for ELA and math that were in place prior to June 2010. The bill requires the board to submit the PASS standards to the state regents to determine if the standards meet college and career readiness, as defined by federal law. **HB 3399** requires the board to begin the process for developing statewide student assessments for the ELA and math standards beginning with the 2017-18 academic year. The following map shows the status of Common Core adoption in other states.



In addition, subject-matter standards will no longer be promulgated as rules or subject to the Administrative Procedures Act (APA) and any current rule that conflicts with HB 3399 must be amended or repealed, and the measure establishes a new approval procedure for academic standards. All standards and revisions will be subject to legislative review and cannot be implemented until the review process is completed and adopted by joint resolution. Upon approval, the board will submit a copy of the standards to the secretary of state, who will include them in the administrative code and they will have the same force and effect of law as agency rules promulgated through the APA.

The measure requires school districts to adopt policies for the inspection of instructional materials by parents or guardians of children who are enrolled in a school. Finally, it allows certain good-cause exemptions to be applied to students who were previously retained in prekindergarten for academic reasons and creates a new exemption for medical emergencies. Good-cause exemptions allow students to be promoted to the next grade.

**HB 2497** directs the State Board of Education to promulgate rules to exempt from state-mandated testing students facing exceptional emergency circumstances. The bill allows certain good-cause exemptions to be applied to students who were previously retained in prekindergarten for academic reasons. The measure directs the Department of Education to conduct a study of reading instruction and the retention of third-grade students based on state-administered reading assessments. The department will aggregate the data and report the findings to the Governor and the Legislature by December 31, 2015, and each year thereafter. Once the report has been issued, the department will disseminate a compilation of best practices to all public schools.

Responding to concerns regarding a lack of transparency within and the appearance of arbitrary decision-making by the Oklahoma Secondary Schools Activities Association, **HB 2730** was enacted. The measure prohibits any public school or district from being a member of a school athletic association, unless the association has adopted a written policy that abides by the Oklahoma Open Records Act and the Oklahoma Open Meetings Act. The measure requires an annual financial and compliance audit be conducted in

accordance with the Oklahoma Public School Audit Law and that a performance audit be conducted by December 31, 2014, and by December 31 every five years thereafter.

**SB 436** permits the State Department of Education to establish Regional Education Administrative Districts in order to provide administrative services to school districts throughout the state. The department will supply information to school districts about what may be provided by the regional administrative districts and will provide support to any regional or interlocal cooperative providing services to eligible districts. Additionally, regional administrative districts may receive financial support from school districts and the State Board of Education will determine applicable fees for services. Finally, the bill provides that districts that enter into a contract to share a superintendent will receive a discounted fee for participating in a regional administrative district.

In an effort to promote partnerships between education and industry, **SB 1181** provides criteria for designation as a science, technology, education and math (STEM) community or STEM region, and outlines the process for designation.

A related measure, **SB 1653**, adds a STEM block course to the list of eligible courses to meet math and science academic competencies. The measure also adds the tenth-grade level for math and science courses taken at a technology center school to meet math and science academic competencies. Lastly, the Department of Career and Technology Education must be consulted when a vocational-technical course is designed to be offered at a technology school district.

**HB 2414** exempts students from the school attendance requirements of the Lindsey Nicole Henry Scholarship program if the student received services through the SoonerStart program under an Individual Service Plan and was evaluated and determined to be eligible for school services. Additionally, the measure specifies that requests to participate in the scholarship program made after December 1 will be granted, but funding will not be available until the next school year.

**SB 1422** directs the State Board of Education to approve an advanced placement computer science course to meet course competency requirements if the course is taken in a student's senior year and the student is concurrently enrolled in, or has successfully completed, Algebra II.

**HB 2921** recognizes Native American languages as a language art and is to be granted the same credit as a world language.

**HB 3006** limits agricultural education programs to students in grades eight through twelve and requires comprehensive school districts to offer these programs. Students enrolled in such a program must participate in a supervised agricultural experience project and districts must provide transportation services for all agricultural education programs and Future Farmers of America programs that are funded by the Department of Career and Technology Education.

**HB 1623** allows the board of education of each school district to provide suicide awareness and prevention training to staff and students in grades seven through twelve. Personnel will be immune from discipline and civil liability for communicating information in good faith concerning drug or alcohol abuse, a potential safety threat by or to any student to the parents or guardians of the student, law enforcement or health care providers. Employees must notify parents or guardians immediately if they determine that a student is at risk of attempting suicide. The measure authorizes school districts to enter into agreements with designated youth services agencies for the delivery of intervention and prevention services.

Beginning with 2015-16 academic year, **HB 1378** requires public schools to provide CPR training and automated external defibrillator awareness to high school students. The training must be provided at least once between the ninth and twelfth-grade years and be based upon an instructional program which is nationally recognized. Additionally, the measure permits school districts to enter into an interlocal or multi-district cooperative agreement for the purpose of fulfilling the measures requirements.

## Teachers

**HB 2548** directs the Oklahoma Commission for Teacher Preparation to offer non-native-English-speaking teachers or teacher candidates a subject-area competency exam in their native language, provided they are employed or have been offered employment by a school district to teach in a foreign language immersion program. The measure directs the State Board of Education to issue a restricted license or certification to teachers that have passed an exam that will restrict them to teaching only in a foreign language immersion program.

**HB 2683** requires a bachelor's degree from an accredited institution in order to receive a one-year provisional certificate to teach in the area of mild-moderate or severe-profound disabilities and adds an additional requirement for the issuance of a standard certificate to teach in this area. An individual that holds a current provisional or standard certificate may satisfy the highly qualified teacher requirement for early childhood education or elementary education by passing the related exams. The measure provides that an individual must complete a teacher education program approved by the Oklahoma Commission for Teacher Preparation to obtain a standard certification in early childhood education or elementary education.

**HB 2885** requires the Commission for Teacher Preparation to work with the state regents and the various institutions of higher education to develop guidelines for a paid teacher internship program. Beginning with the 2014-15 academic year, school districts will have the option of participating in the State Department of Education's residency program; however, participation will be mandatory beginning with the 2015-16 academic year. Finally, the bill directs the State Board of Education to conduct an educator supply-and-demand study every three years.

**SB 1828** exempts data collected pursuant to the Teacher and Leader Effectiveness Evaluation System (TLE) from being subject to the Oklahoma Open Meeting Act or the Oklahoma Open Records Act. Authorized representatives of the State Department of Education and its contracting designees must maintain confidentially of all data collected or analyzed. Lastly, in addition to first-year teachers, the bill applies evaluations using only qualitative components of the TLE to second-year teachers.

A related measure, **HB 3173**, requires that all records created pursuant to the TLE that identify a current or former employee be kept confidential and are not subject to disclosure under the Open Records Act.

## Career Technology

**HB 3350** provides a career tech tuition waiver to any child of an Oklahoma peace officer, firefighter, emergency medical technician or member of the law enforcement retirement system whose parent was killed in the line of duty. The tuition waiver also applies to a child of a member of the law enforcement retirement system whose parent is disabled by means of personal or traumatic injury that occurred in the line of duty. The waiver is limited to five years and will be considered a service benefit for Oklahoma peace officers and firefighters.

**SB 1661** transfers the responsibility for adult education from the State Department of Education to the Department of Career and Technology Education. The Department of Education will retain responsibility for issuing General Educational Development (GED) certificates.

**SB 1460** adds and modifies several definitions relating to private vocational schools and exempts several education, training and vocational programs from licensing requirements of the Oklahoma Board of Private Vocational Schools. The measure outlines the powers and duties of the board and provides that private schools must designate a main school location and their designations must mirror those used for federal funding or accreditation when applying for licensure or renewal. The need for licensure will be determined by the existing or proposed education or training program and other school attributes as specified by the Legislature or the board. The bill modifies initial and renewal license fees and provides for the assessment of late fees. In the

event of closure, any school, seminar or workshop that ceases to offer all programs of instruction must provide the board with its plan for the permanent retention of student records.

### **Higher Education**

**HB 2873** prohibits public colleges and universities from enforcing policies that would discriminate against or deny a religious student association any benefits available to any other student association because the association requires its members to:

- adhere to association's sincerely held religious beliefs;
- comply with the association's sincere religious observance requirements;
- comply with the association's sincere religious standards of conduct; or
- commit to furthering the association's religious missions.

The measure also allows the members of a religious student organization, who claim that their exercise of religion has been substantially burdened, to use the violation as a claim or defense in a judicial or administrative proceeding against the school. *Substantially burdened* means any action that constrains or inhibits conduct or expression that reflects a student's sincerely held religious beliefs, denies a student an opportunity to engage in religious activities or pressures a student to engage in conduct or expression contrary to a sincerely held religious belief.

**SB 1829** directs the Oklahoma State Regents for Higher Education to adopt a policy that allows a student who receives a full scholarship from the Air Force, Army or Navy/Marines Reserve Officers' Training Corp to be eligible for resident tuition.

**SB 1830** requires institutions within the Oklahoma State System of Higher Education to grant a leave of absence to military students called to active duty. The student will be eligible to withdraw and receive a full refund for all classes during the period of active duty service without penalty to their admission status or GPA and without loss of institutional financial aid. The bill limits the student's leave of absence to a cumulative five years.

**SB 1694** exempts the board of regents or employees of any university, college or other institution of higher learning from the notice and hearing requirements for individual proceedings contained within Article II of the Administrative Procedures Act.

### **Miscellaneous**

**HB 2354** repeals obsolete sections of law related to county superintendents.

**HB 2355** repeals obsolete teacher minimum salary schedules.

**HB 2356** repeals the Oklahoma School Deregulation Committee.

**HB 2357** repeals obsolete sections of law regarding the Virtual Internet School in Oklahoma Network.

**HB 2358** repeals the Advancement of Hispanic Students in Higher Education Task Force.

**HB 2359** repeals an obsolete section of law regarding an assessment of the two comprehensive public higher education institutions in the state.

**HB 2360** repeals the Adult Literacy Services Advisory Committee.

**HB 2499** clarifies the procedures a school treasurer must follow when issuing a warrant by removing obsolete language.

**HB 2571** stipulates that, upon release of a child from a Department of Mental Health and Substance Abuse Services facility, a child will be considered a resident of their originating school district for educational purposes.

**HB 2626** repeals a section of law concerning an application for transfer under the Education Open Transfer Act.

**HB 2639** amends provisions relating to the Commissioners of the Land Office. The measure authorizes the cash drawer fund to be used for the payment of emergency purchases and bills and requires that proper receipts be filed upon any withdrawal. The measure requires a record of any monies received through mail service be kept and a duplicate provided to the cashier of the land office who is responsible for updating financial records.

**HB 2682** allows school districts to purchase certificates of indebtedness through the funding of certain investments for the purposes of meeting obligations and expenditures.

**HB 2938** requires the State Board of Education to promulgate rules that will allow teachers who pass the state vocal music certification test to teach piano courses.

**HB 3025** repeals the Post-secondary Oversight Council established by the State Regents for Higher Education and the State Board of Career and Technology Education.

**HB 3243** extends the Oklahoma Advisory Council on Indian Education to July 1, 2020.

**HB 3333** repeals the Oklahoma Education Council.

**SB 1143** requires the Pledge of Allegiance to the United States flag be recited once every week in all public schools.

**SB 1295** allows school districts to determine the extent of student involvement in intruder drills.

**SB 1331** requires the State Department of Education to report the academic performance of students who are in state custody. Additionally, the Passport Program for Children database must be made available to the Office of Juvenile Affairs (OJA) with access limited to student performance reports. The Passport Program contains educational, behavioral and health records in an accessible, electronic format for each child in the Department of Human Services custody.

**SB 1461** requires charter schools to submit to the State Department of Education a statement of actual income and expenditures no later than September 1 of each year, for the preceding fiscal year.

**SB 1469** delays several instructional material education mandates until fiscal years ending June 30, 2015, and June 30, 2016. Additionally, the measure specifies which students will be included in the calculation of the four-year adjusted cohort graduation rate.

**SB 1655** deletes the requirement that school districts publish annual reports of the results of the Oklahoma School Testing Program.

**SB 2059** repeals the Post-Secondary Oversight Council.

**SB 2060** repeals the Student Tracking and Reporting Pilot Program.

**SB 2061** repeals the State Council on Vocational Education.

## Energy and Utility Regulation

The Legislature addressed traditional energy infrastructure and alternative energy sources this session. In addition, the Legislature joined other states and municipalities by implementing policies that address rate parity among electric utility customers and ensure adequate water supply.

Following concerns over pipeline safety, **HB 2533** authorizes the Corporation Commission to enforce the Oklahoma Underground Facilities Damage Prevention Act and directs the commission to address complaint processes, current enforcement powers, private rights-of-action and any other issue the commission determines necessary as related to pipeline safety.

**SB 1418** directs the Corporation Commission to require oil and gas operators disposing of any oil field waste materials to report to the commission the source, volume and disposal site of the waste.

The Oklahoma Department of Labor will begin regulating compressed natural gas (CNG) fueling stations and implementing the Alternative Fuels Technician Certification Act under the provisions of **HB 3297**. The measure also modifies the clean-burning motor vehicle tax credit. Rather than 50 percent of the cost of the vehicle being reimbursed to the consumer, 45 percent will go to the consumer with 5 percent of the cost going to the CNG Conversion Safety and Regulation Fund.

**SB 1438** exempts employees and contractors working on gas gathering pipelines and intrastate gas pipelines from the licensing requirements of the Mechanical Licensing Act.

**SB 1581** reduces the membership of the Oklahoma Energy Initiative Board by removing the members appointed by the President Pro Tempore of the Senate and the Speaker of the House.

In an effort to reform the state's net metering policies, **SB 1456** requires that utilities seek approval from the Oklahoma Corporation Commission to increase the rates for customers who install distributed generation. The new tariff must be implemented by December 31, 2015, but it does not apply to customers with distributed generation installed before November 1, 2014. Upon signing the measure, the Governor issued an executive order directing the Corporation Commission to consider alternatives to the new tariff, including time-of-use rates, minimum bills and demand charges.

*Distributed generation is the industry term for on-site electricity generation that is connected to the grid. The most common sources for distributed generation are solar panels and micro-turbines.*

**HB 3102** amends the distribution of the fees collected through the Used Tire Recycling Act by removing the allocation cap for capital investment reimbursements to used tire facilities or tire-derived fuel facilities. The measure states that the Department of Environmental Quality may disburse allocations for these facilities after making other statute-mandated allocations to the Tax Commission and state auditor, among others. The agency may use excess money in the Used Tire Recycling Indemnity Fund to increase market demand for products made from the state's used tires.

**SB 78** modifies the 2011 Shale Reservoir Development Act by authorizing the Oklahoma Corporation Commission to allow multi-unit horizontal drilling in targeted reservoirs, in addition to shale. The measure defines *targeted reservoir* as shale reservoirs and the Marmaton supply, an oil-bearing limestone formation in Texas and Beaver counties.

**SB 1215** requires the state Department of Transportation to be notified prior to utility line installation, relocation or crossing of highway rights-of-way. In addition, the measure authorizes counties to issue a one-time request for information regarding future installation of telephone lines, poles or wires.

**SB 1510** creates a maximum reimbursement to telecommunications service providers of \$.02 per month per Lifeline subscriber. The reimbursements are disbursed from the Oklahoma Lifeline Fund.

**HB 2652** modifies appeal practices for refinery facilities to reflect the July 2013 consolidation of two executive cabinet positions into the Secretary of Energy and Environment.

**HB 3349** creates two revolving funds within the Office of the Secretary of Energy and Environment: the Environmental Remediation Revolving Fund, supported by Natural Resources Damage Assessments, a federal process to assess the monetary cost of restoring natural resources after hazardous waste or oil spills; and the Environmental Programs Revolving Fund, which consists of all monies received by the secretary from appropriations, fees, charges, penalties and any other sources that are not designated for deposit to any other fund.

**HB 3348** requires towers used for measuring wind speed, as part of the wind power generation process, to be marked, painted and flagged for clear visibility if it is at least 50 feet tall. The Oklahoma Aeronautics Commission will be responsible for promulgating rules for these towers and for enforcement.

## General Government

The Legislature passed several measures affecting state, county and municipal governments. The most prominent measures dealt with minimum wage, state employee raises, state employee retirement and repairs to the Oklahoma State Capitol. In addition, members continued to address the disposition of underutilized state properties.

## State Employees

Thousands of Oklahoma's most under-compensated employees will receive a pay raise of either 6.25 or 8 percent under the provisions of **SB 2131**. The measure includes more than 7,000 employees performing core government services who, based on the findings of the 2013 Total Remuneration Study, are paid as much as 20 percent less than those with similar positions in the private sector. The Legislature's goal is to raise all state employees' salaries to 90 percent of the private market within four years. A related bill, **HB 1794**, prohibits the Legislature from considering a reduction in state employee benefits until the Legislature has approved an additional \$60 million for future employee raises.

**HB 3293** creates the State Employee Compensation Program within the executive branch, which is established to attract, retain and reward quality employees with competitive total compensation based on relevant labor markets. The Office of Management and Enterprise Services (OMES) will coordinate the implementation of the program.

**HB 3337** modifies the Oklahoma Personnel Act by requiring that, 30 days prior to a furlough period, an agency send a furlough notice to the director of OMES and the respective employee association. The measure does not apply when funding disruptions are caused by actions at the federal level.

**HB 2397** modifies the State Travel Reimbursement Act by allowing a state employee to file a travel claim for costs associated with a direct purchase commercial airline ticket. The measure removes the current per diem cap of \$36 and defaults to the maximum daily allowance authorized by the Internal Revenue Service. The measure adds that when a traveler has lodging provided at no cost to the state, he or she may claim \$10 lodging per diem in addition to meals and expenses. Finally, the measure applies the current 24-hour time limit for out-of-state travel to in-state travel.

## State Capitol Building

The process of repairing the Oklahoma State Capitol was one of the Legislature's top priorities this session and was achieved with the passage of **HJR 1033**. The measure authorizes the Oklahoma Capitol Improvement Authority to issue obligations not to exceed \$120 million for the purposes of renovation and repair of the State Capitol. In order to reduce costs, the bonds are to be repaid over 10 years. Finally, the measure creates the State Capitol Repair Expenditure Oversight Committee to prepare and approve a programming plan for the repair of the building and requires the plan be submitted to the director of OMES by December 31, 2014.

## State Government

Several measures make changes to state purchasing requirements.

**HB 3087** modifies the Public Competitive Bidding Act by increasing the contract amount threshold for the Oklahoma Turnpike Authority from \$500,000 to \$750,000 during emergency declarations in which notice procedures are not required.

**SB 1173** increases the exemption amount for purchase orders from \$10,000 to \$15,000 for required bidding purchases. The measure also increases the threshold amount from \$5,000 to \$10,000 for purchase orders for repairs.

**HB 3511** authorizes the use of a state purchase card for utilities and provides that the state purchase of regulated utility services is not subject to the provisions of the Central Purchasing Act, but is subject to each agency's internal purchasing procedures.

**HB 3251** modifies the Competitive Bidding Act of 1974 by increasing the threshold from \$35,000 to \$75,000 on notice and bids for contracts during an emergency.

Finally, **SB 1719** modifies substitution requirements for sole-source purchase contracts by requiring that an item be substantially equivalent in quality and performance and only when the cost is less.

The Legislature also modified how regulations relating to lobbyists are adopted. **SB 1746** replaces statutory definitions related to lobbying with references to Ethics Commission rules and deletes certain statutory requirements related to lobbyist registration and reporting. Additionally, the measure repeals obsolete language relating to certain attorney general opinions and redundant statutory requirements regarding the filing of certain statements of contributions or expenditures that are already under the purview of the Ethics Commission.

**SB 1728** modifies the Cash Management and Investment Oversight Commission by moving the responsibility for administrative support and staffing from the Legislative Service Bureau to OMES.

## **Municipalities and Counties**

**SB 1023** prohibits a municipality or subdivision from establishing a mandatory minimum number of vacation or sick days or a minimum wage rate which an employer would be required to pay or grant employees. The provisions of the measure do not apply to the minimum number of vacation or sick leave days authorized by a municipality for its employees as a benefit of employment.

**HB 2620** creates the Protect Property Rights Act. The measure prohibits municipalities from registering real property; however, it does not prohibit a municipality from creating a list of the property owners or designees of property owners of residential, commercial or leased real property to ensure public safety. In addition, the bill declares an abandoned building to constitute a public nuisance and establishes procedures by which a municipal body can abate the nuisance.

Another measure dealing with municipal employees, **SB 1858**, addresses an aging and retiring municipal workforce by authorizing towns and cities to offer one or more health care plans to retired employees, supplementing or in place of traditional Medicare. Alternates or supplements could include a Medicare supplement plan, Medicare Part D drug coverage, a Medicare Advantage plan or another plan approved by the Centers for Medicare and Medicaid Services. In addition, the measure clarifies that eligibility for the supplement begins at age 65 or to those who are otherwise qualified for Medicare.

**HB 3217** modifies the process under which members of a political subdivision may petition to conduct an audit of its books and records. The measure modifies the required number of petitioners from 25 percent of the total number of persons voting in the last subdivision-wide general election, to 25 percent of the total number of persons voting in the last general election.

In response to the findings of a 2013 interim study, the Legislature passed **HB 2951**, which requires the Commission on County Government Personnel Education and Training to oversee professional development programs for training candidates for county office.

**HB 3090** extends the hours that a property resale can take place when conducted by the county treasurer. The measure also prohibits the reassignment of excess proceeds from a resale to any person other than the record owner on file at the time the resale begins.

**SB 711** modifies municipal annexation procedures. The measure requires that when a territory is to be annexed by a city or town includes land owned by a state beneficiary public trust, or that was previously owned and conveyed by a state public trust, the annexation will require the written consent of all members and transferees of the trust.

**SB 1738** requires that sole-source county records be kept for a minimum of seven years.

**SB 1511** clarifies that organizations created for the purpose of securing insurance benefits for a political subdivision are exempt from the current investment guidelines for county treasurers.

**HB 2495** allows volunteer and full-time fire departments to establish a schedule of fees for the use of their emergency services.

**SB 1899** authorizes municipal governing bodies to permit human burial on the grounds of a public institution or private facility located within municipal boundaries. The measure prohibits the burial ground from being used for commercial cemetery purposes and prohibits burial sites on any private residential property.

## Retirement

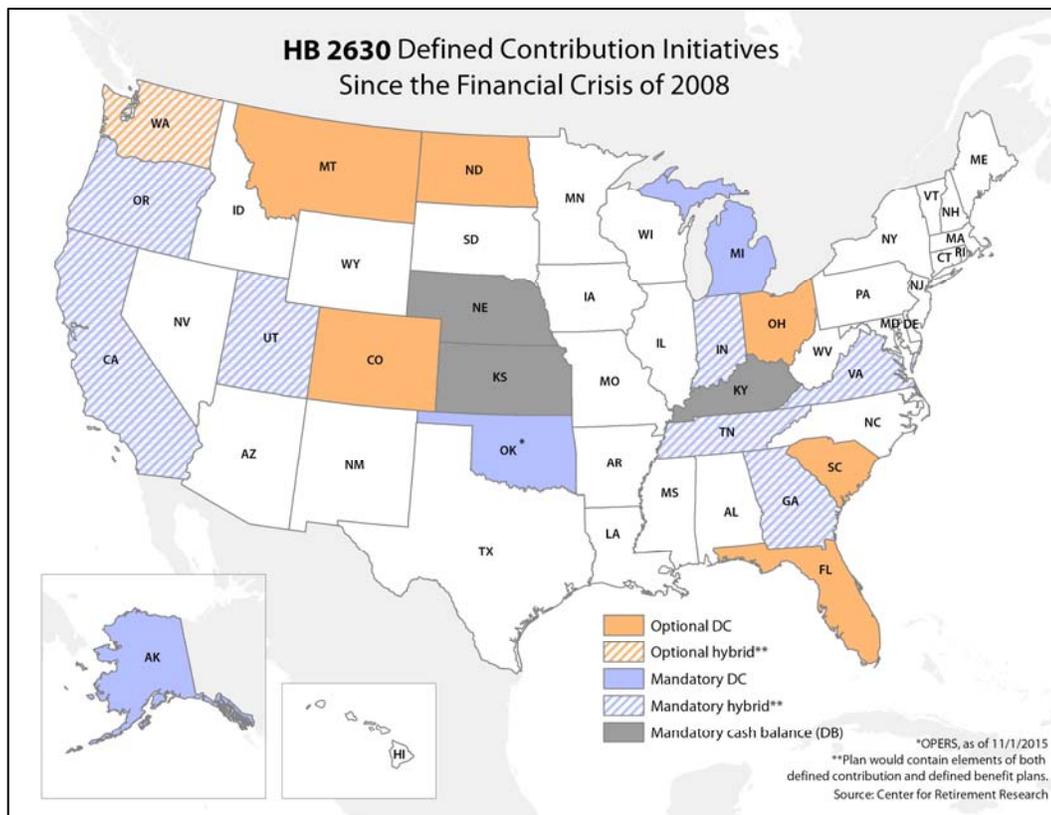
The Legislature continued its focus on reforming the state's pension system and reducing the unfunded liability by passing major pension reform, including a measure that converts the state's second largest pension system from a traditional defined benefit plan into a 401(k)-style defined contribution plan.

### *Oklahoma Public Employees Retirement System (OPERS)*

Perhaps the most significant measure affecting the state's retirement system enacted in the last several years, **HB 2630**, creates the Retirement Freedom Act and requires OPERS to establish a defined contribution system for employees who are first employed on or after November 1, 2015. Participants in the defined contribution plan must contribute 3 to 7 percent of their salary to the system and the state will match the employee's contribution. Participants have complete discretion over how the contributions are invested within the available options provided by OPERS. State employees are now fully responsible for any gains or losses in their retirement plan. Participants are vested with respect to the employer matching amounts according to the following schedule:

<b>Employer Matching Schedule</b>	
<b>Year 1 – 20 percent</b>	<b>Year 4 – 80 percent</b>
<b>Year 2 – 40 percent</b>	<b>Year 5(+) – 100 percent</b>
<b>Year 3 – 60 percent</b>	

The measure provides that the employer is directed to make the required matching contribution amount for all employees that participate in the defined contribution system and to remit the difference between the amount paid and the amount the employer would have paid under a defined benefit plan in order to maintain the integrity of the existing defined benefit plan. The map on the following page represents the locations of defined contribution initiatives since the economic crisis of 2008.



The measure exempts from the provisions of the measure correctional officers, probation and parole officers, and fugitive apprehensions agents, who are employed by the Department of Corrections.

A related bill, **SB 2120**, exempts district attorneys and employees of the district attorney's office, elected county officials and employees of county and city government, employees of conservation districts, circuit engineering districts or members of certain public or private trusts from participation in the defined contribution plan.

#### *Oklahoma Teachers' Retirement System (OTRS)*

**HB 2611** excludes clinical related activity performed for Oklahoma State University Center for Health Sciences from the definition of *regular annual compensation* as used by OTRS.

**HB 2740** modifies the membership of the Board of Trustees under the Teachers' Retirement System to include a representative of a statewide organization of retired educators, who will be a nonvoting member.

#### *Oklahoma Law Enforcement Retirement System (OLERS)*

Two measures made adjustments to OLERS. The first, **SB 1710**, prohibits after January 1, 2014, the age-adjusted dollar limit applicable to a member from decreasing due to an increase in age or the performance of additional services. The second, **HB 2622**, modifies the system's amortization period from 40 years to 15 years in order to better reflect the financial health of the system.

#### *Oklahoma Police Pension and Retirement System*

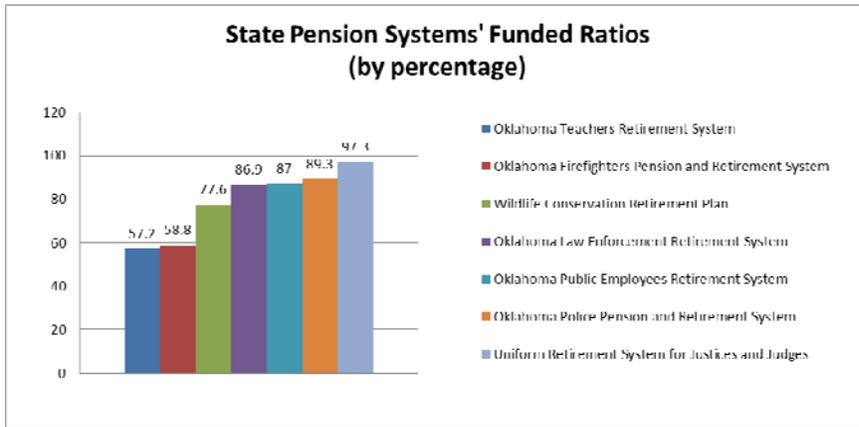
**SB 212** relates to the Oklahoma Police Pension and Retirement System. The measure:

- requires that any contribution overpayment to the system by a municipality or member through a mistake in fact be refunded by the system;
- prohibits the system from paying the municipality earnings attributable to the overpayment and requires the system to reduce the amount returned to the municipality by the amount of losses attributable to the contribution;
- clarifies the method for calculating a retirement annuity for a member terminating employment prior to normal retirement date by inserting the word *annualized* before the words *final average salary*; and
- clarifies the limitation of benefits by providing that the age-adjusted dollar limit applicable to a member will not decrease on account of an increase in age or the performance of additional services.

#### *Oklahoma Firefighters Pension and Retirement System*

**SB 2024** modifies the system by clarifying the calculation for retirement benefits for those who have vested in the system but have not reached normal retirement date. The measure also clarifies which members are eligible to retroactively participate in the deferred option plan. The measure modifies the start date for amortization of the unfunded liability from 2003 to 2014. Finally, the bill modifies the age certain firefighters are eligible to retire to 67 for those who first enter the system on or after November 1, 2013.

The following graph shows the funded ratio of each of the state's retirement systems.



## Government Modernization

**HB 3050** prohibits state entities from transferring real property without prior approval from the Long-Range Capital Planning Commission and allows the commission to reverse real property transfers that have occurred without prior approval. The Oklahoma Department of Transportation and the Oklahoma Turnpike Authority are exempt from this provision. Proceeds from any approved transfer resulting in the sale of the property must be deposited within the Maintenance of State Buildings Revolving Fund.

The measure also authorizes the director of Office of Management and Enterprise Services (OMES) to make recommendations to the commission for the liquidation of underutilized properties that have environmental issues, create liability for the state, or create expenses that make continued ownership undesirable, and the property has been previously offered through two unsuccessful public auctions or sealed bids. The measure authorizes the commission to approve of liquidation and for OMES to accept a bid of less than 90 percent market value.

**HB 2669** allows a third party to conduct the required state agency information security risk assessment if an agency does not have an internal expert to conduct the assessment. The measure directs OMES to approve at least two firms that state agencies can choose from to conduct the assessment and requires agencies with an information technology system to submit the assessment to OMES by December 1 each year.

**HB 2912** deletes the requirement that state agencies report to OMES reallocation decisions for classified and unclassified positions and adjustments to pay grades or salary assignments for job classes in the unclassified service. Likewise, the measure removes the requirement that agencies report the establishment of any new classified or unclassified positions that have not been specifically authorized by the Legislature.

**HB 2909** modifies the comprehensive professional risk management program by removing workers' compensation insurance as an exception to requirements of the program.

**HB 2908** modifies the report regarding services cost performance assessments published by the director of OMES to include the amount of each state agency's cost for providing shared services.

## Elections

**SB 1693** modifies the date by which a county election board or the State Election Board must be notified of the name of an alternative candidate following the death of a party's nominee. If notice is not received as required, the name of the alternative candidate will not appear on the ballot for that office. If the death occurs after the Friday following the primary runoff, the election will take place with the candidate's name on the ballot. The measure also establishes similar provisions for independent candidates.

**SB 1744** modifies definitions related to *campaign contributions* and *expenditures*, removes the statutory contribution limits for political party committees, political action committees and candidate committees and instead references limits established by the Ethics Commission rules. The measure also prohibits labor unions, limited liability companies and partnerships from making contributions to a political party committee, political action committee or a candidate committee except as allowed by law or Ethics Commission rules.

**SB 1745** creates the Local Government Campaign and Financial Disclosure Act and other campaign and disclosure directives for counties, municipalities, technology center districts and school districts. The measure requires campaigns to make disclosure documents available locally to be more accessible to the electorate.

The bill also directs the Ethics Commission to establish the Political Subdivisions Enforcement Division and authorizes the Executive Director of the Ethics Commission to employ staff, or contract for services to be performed by the division, or both.

Further, the bill creates the Political Subdivisions Enforcement Revolving Fund to consist of all funds appropriated by the Legislature and all late filing fees, fines from settlement agreements and fines assessed by the District Court for violations of the County Campaign Finance and Disclosure Act. The measure directs the State Treasurer to annually transfer to the General Revenue Fund any funds in excess of \$150,000. At any time that the fund drops below \$100,000 the executive is authorized to halt enforcement activities until the amount surpasses \$100,000.

**HB 2576** provides that the statutory restrictions on the notarizing of absentee ballots only apply to elections conducted by a county election board or the State Election Board.

**HB 2199** repeals the statutory restriction on anonymous campaign literature.

### **Miscellaneous**

**HB 2375** recodifies language relating to the former Union Soldiers' Home.

**HB 2376** repeals statutes which placed all property of the Oklahoma Confederate Home and the Southern Oklahoma Hospital under the control of the War Veterans Commission.

**HB 2379** authorizes the use of Internet auctions to sell property that has been forfeited to the state.

**HB 2903** defines *local laws* and *special laws* as the terms are used in the state Constitution and provides that all case law contrary to the meaning of these terms, as defined, is null and void.

**HB 3276** authorizes the secretary of state to display a replica of the state Constitution and other historically significant documents in the Capitol and to find an alternate secure location on state property for the preservation or exhibition of the original state Constitution if displaying it in the Capitol would place the document at risk for damage due to environmental factors.

**HB 3334** repeals the Southern Growth Policies Agreement.

**HB 3542** transfers responsibility for purchasing and distributing copies of the statutes and session laws from the chief clerk of the House to the secretary of state.

**SB 1206** authorizes any person who is licensed to operate a snack bar or vending facility in the Capitol complex to contract for additional catering services during the legislative session.

**SB 1254** establishes a set of criteria to be used to determine whether certain state properties should be sold, leased or redeveloped.

**SB 1773** extends the effective date of the Oklahoma Tourism and Recreation Department Capital Expenditure Revolving Fund to July 1, 2016. The fund consists of monies from gross production tax revenues to be expended for one-time capital expenditures for capital assets owed, managed or controlled by the Oklahoma Tourism and Recreation Department.

**SB 2122** merges duplicate sections of law enacted during the 2013 legislative session.

**SJR 33** puts to a vote of the people a proposed amendment to the Oklahoma Constitution clarifying that, while those holding office in another state or in the federal government may not hold public office in Oklahoma, this does not apply to officers or enlisted members of the armed forces.

## Health and Human Services

This session the Legislature took action on several health-related topics including prohibiting the furnishing of vapor products to minors, authorizing direct access to physical therapists and allowing prior authorization for hepatitis C drugs in the state's Medicaid program. Additionally, the Legislature provided funding for the implementation of year three of the Pinnacle Plan, took additional steps to protect children from abuse and neglect, provided an alternative to traditional foster care for families in crisis and took steps to help move children in state custody more quickly into permanency.

**SB 1602** defines *vapor products* and stipulates that FDA-approved products are not considered vapor products. Stores that violate the law and fail to pay the associated fine will have their sales tax permit suspended. Vapor products are prohibited within 300 feet of any playground, school or other facility that is primarily used by minors. Political subdivisions are prohibited from enacting any ordinance or order that regulates vapor products. However, a subdivision retains its authority over zoning or enforcement of a fire code.

## Health Professions

After several previous attempts to pass legislation that would allow patients to self-refer to physical therapy, the Legislature enacted **HB 1020**. The measure permits physical therapists to evaluate and treat a patient for up to 30 days without a referral from a physician. With its passage, Oklahoma became the 49<sup>th</sup> state to allow consumers some form of direct access.

**SB 1789** permits optometrists to issue a prescription for hydrocodone for a period not to exceed five days and requires a physical examination of the patient prior to the prescription being refilled.

**HB 2603** directs the medical board to prepare an annual brochure and online presentation for health care providers regarding their responsibilities and rights under the Hydration and Nutrition for Incompetent Patients Act, the Nondiscrimination in Treatment Act, the Oklahoma Advance Directive Act, the Oklahoma Do-Not-Resuscitate Act and the Assisted Suicide Prevention Act. The measure directs the board to make the brochure and presentation available on the board's website and to provide the brochure to practitioners. Finally, the bill directs the medical board to prepare a disclosure statement to inform patients of their rights.

**SB 1699** recreates the state Board of Licensed Social Workers to continue until July 1, 2018. The measure modifies licensure requirements for social workers including that in the event the applicant is not able to pass their licensure exam during their first provisional year, or two subsequent approval years, the applicant cannot reapply for licensure until they have completed an additional 4,000 hours of supervised practice. Upon completion of supervision, the board is authorized to approve up to two additional years of examination testing. If an applicant fails to pass the exam after five approval years, they will permanently lose their ability to apply for licensure.

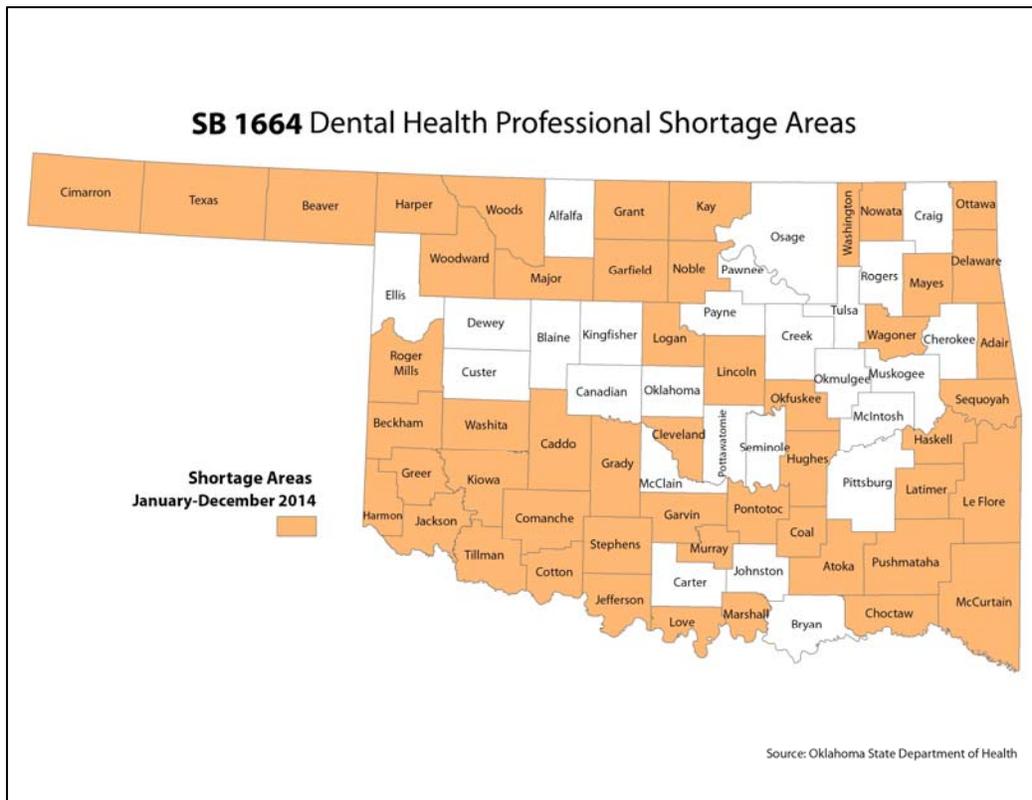
**SB 1262** removes the requirement that a licensed practical nurse applicant have a high school diploma or equivalent.

**HB 2554** directs the Board of Nursing to develop program guidelines to facilitate the transition of veterans with prior military medical training and experience into nursing programs.

**HB 2674** establishes a state resident training license for osteopathic medical school graduates during their internship or first postgraduate year. The license expires after one year and is nonrenewable, unless specifically approved by the Board of Osteopathic Examiners. A resident may apply for prescribing privileges from state or federal authorities if approved by their resident training program.

**SB 1664** increases the maximum award amount under the dental loan repayment program from \$25,000 to \$50,000. The measure requires nonfaculty general practice dentists participating in the program to provide care

and services in an underserved area. The measure exempts licensed pediatric dentistry specialists, or dentists who practice in a federally qualified health center or county health department. The map below shows the areas of the state most underserved by dental health professionals.



**SB 1398** authorizes the state Board of Licensed Alcohol and Drug Counselors and the Board of Behavioral Health Licensure to recognize a foreign applicant for licensure as an alcohol and drug counselor, licensed professional counselor or a behavioral practitioner, if the applicant can provide acceptable documentation relating to their degree and any other requirement the boards deem necessary.

**HB 2100** requires a pharmacy benefits manager (PBM) to obtain a license from the insurance department. A PBM is responsible for facilitating prescription drug benefits to covered individuals within the state, including negotiating pricing and other terms with drug manufacturers and providers. The measure authorizes the department to establish a fee for licensure and to levy administrative fines and penalties for noncompliance. Finally, the measure stipulates the terms of the contract between a PBM and a provider of prescription drugs.

### Abortion

The Legislature passed three abortion-related measures this session. The first, **SB 1848** requires an abortion facility to have a physician on the premises who has admitting privileges at a nearby general medical surgical hospital that offers obstetrical or gynecological care. The measure also requires the state Board of Health to establish standards for abortion facilities. An abortion facility must notify the board if a patient or child born-alive is injured in a facility. In the event of a patient’s death, the facility must notify the board no later than the next business day.

**HB 2685** requires that a physician inform a patient seeking an abortion because the unborn child has a life-threatening condition that perinatal hospice is an available alternative to abortion. The bill requires the state

Board of Medical Licensure and Supervision to publish materials regarding the availability of perinatal hospice and palliative care and to develop a website containing the information. Finally, the measure directs the board to develop a new reporting form for physicians to fill out that will specify the number of patients who were provided with perinatal hospice information and the number of abortions performed without being provided the information due to emergency circumstances.

Lastly, **HB 2684**, defines *Mifeprex regimen* and requires that patients receiving Mifeprex be provided the Food and Drug Administration-approved (FDA) medication guide and final printed labeling.

### **Miscellaneous Health**

**HB 2384** deletes the restriction on the Oklahoma HealthCare Authority applying prior authorization protocols on hepatitis C drugs. This change is due in part to the increasing cost of hepatitis C treatment.

**HB 2444** authorizes a city-county health department to develop a Wellness Council and to establish a Wellness Council Program Fund.

**HB 2791** authorizes the secretary of the Board of Medical Licensure and Supervision to issue subpoenas during the course of an investigation and provides that complying with a subpoena will not be considered a violation of any state or federal confidentiality laws.

**HB 2831** authorizes the Board of Mental Health and Substance Abuse Services to sell a specific tract of land located in Cleveland County to help fund tangible infrastructure improvements that benefit those served by the department. The bill prohibits the department from selling real property to fund prevention, mental health or addiction treatment services.

**HB 2906** directs the Oklahoma Health Care Authority to study ER diversion models for Medicaid enrollees and explore additional options for cost containment and delivery. The authority must present its findings to the chair and vice chair of the Senate Health and Human Services Committee and the House Public Health Committee by December 31, 2014.

**HB 2974** makes not-for-profit mental health and substance abuse facilities eligible to receive a free telecommunications line, in the same manner as those provided to not-for-profit hospitals and health departments, to support telemedicine, clinical and health consultation services.

**HB 2977** clarifies the definitions of *hospital* and *not-for-profit hospital*, as used to determine eligibility to receive free telecommunications lines.

**SB 1218** renames *health care facility* to *health care entity* to maintain consistency with the Federal Affordable Access to Health Care Act. A health care entity will be considered any entity directly involved in the delivery of health care services that engages in a credentialing or peer review process.

**SB 1377** requires an acute psychiatric care facility to notify the local school district within 11 days of admission that a student is in its care so the district can provide educational services to the child.

**SB 1448** stipulates that death certificates will be considered public information 75 years after the death, and birth certificates will be considered public information 125 years after the birth.

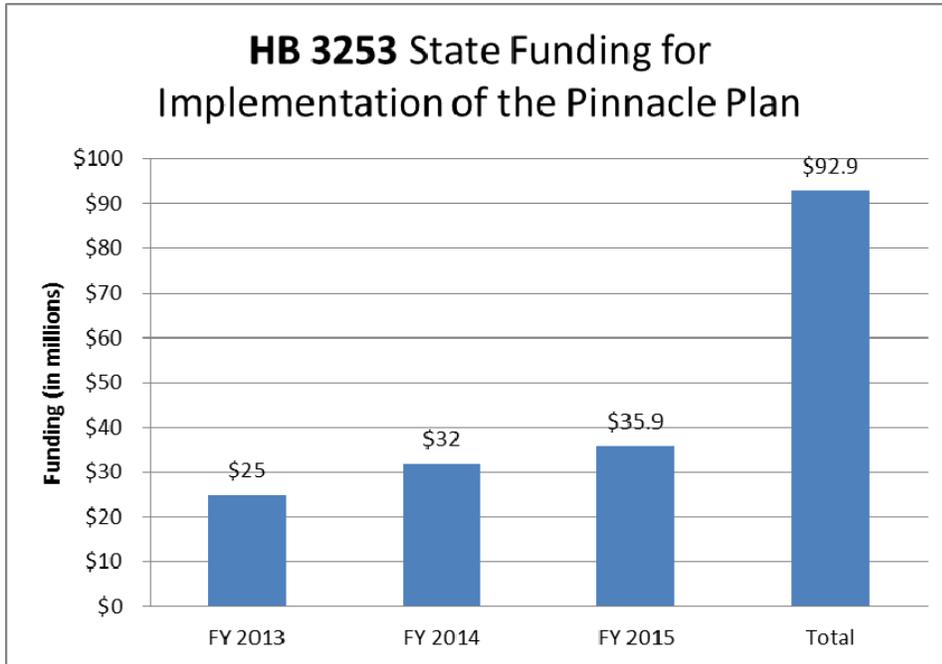
**SB 1788** establishes civil penalties of \$100 to \$2,500 for individuals who practice optometry without a license.

**SB 1792** adds a licensed ophthalmologist to the Infant and Children's Health Advisory Council.

**SB 1853** changes the term *ambulatory service center* to *ambulatory surgical center*, as it is used in reference to the tumor registry established by the state commissioner of health.

### Children and Families

Of the total amount appropriated to DHS for FY 2015, **HB 3523** directs that \$92.9 million be used to fund phase one, two and three of the Pinnacle Plan, which is the result of the 2012 settlement of the class action lawsuit brought against the agency and to fund pay increases for child welfare workers. The graph below shows funding for the Pinnacle Plan since its inception.



*Goals of Pinnacle Plan Year 3*

- *Continuation of the foster care recruitment public/private partnership*
- *Develop online application process for foster parents*
- *Increase post-adoption services delivery*
- *Medical passport distribution*
- *Create statewide matching process for children needing placement*
- *Provide trauma-based training for foster parents*
- *Create additional foster parent support groups*
- *Improve communication and technology in county offices*
- *Develop structured interview and assessment tool*
- *Eliminate secondary workers statewide*
- *Field training for new child welfare staff*
- *Job-level competency assessment for child welfare field staff*
- *Center on Child and Neglect Interdisciplinary program*
- *Intensive case management services for older youth with permanency challenges*
- *Evaluate family engagement and collaboration*
- *Expand systems of care*

*Source: Department of Human Services*

In response to the high profile death of Quinten Douglas Wood, a severely developmentally disabled teen, whose neglect had been reported to DHS, **HB 3469** was enacted. The bill requires the department to give special consideration to the risks of any child who is unable to communicate effectively about any abuse or neglect that they may be suffering or who is vulnerable because of the inability to communicate.

**HB 2585** allows any party to file an application for an emergency hearing that demonstrates harm to the health, safety or welfare of a child who is the subject of a deprived child proceeding. If the court does not conduct a hearing within 72 hours, the party who filed that application can present it to the presiding judge who must conduct a hearing within 24 hours of receiving the application.

**HB 2536** allows a parent or guardian to execute a power of attorney to delegate the care and custody of their child to another person for a period of up to one year. The measure exempts such an arrangement from the statutory requirements related to child care facilities licensing, foster care services and the requirements for persons or agencies that receive custody of a child pursuant to the Oklahoma Children's Code.

**HB 2130** modifies the conditions under which parental rights can be terminated to include a finding by the court that there has been a substantial erosion of the parent-child relationship due to serious neglect, abuse or exploitation, or a prolonged absence of the parent or unreasonable failure by the parent to maintain contact with the child; a finding that a child who is 4 years of age or older has been in DHS custody for 15 of the most recent 22 months and the child cannot be safely returned home; or a finding that a child who is younger than 4 years of age has been in DHS custody for six of the preceding 12 months and cannot be safely returned home. A similar measure, **HB 2667**, modifies the list of crimes under which a district attorney is required to file a motion to terminate the rights of a parent that has been convicted of certain crimes regarding the neglect, abuse, endangerment, exploitation, voluntary manslaughter or murder of a child or of felony assault, voluntary manslaughter or murder of the child's other parent. The measure also requires the district attorney to file a petition for termination no later than 90 days if a parent has not made measurable progress on the individualized service plan ordered by the court.

**HB 3472** prohibits a court, in private custody proceedings, from awarding custody or guardianship of a child to a person who has been convicted of certain crimes regarding the abuse, endangerment, exploitation of children or of first-degree rape.

**HB 3473** specifies that Oklahoma Commission on Children and Youth (OCCY) include in its report of a child death or near death confirmation as to whether previous reports of suspected child abuse or neglect have been made concerning the alleged victim of death or near death or against the person responsible for the child and provides that any statements or gestures by DHS expressing apology or sympathy relating to the injury or death of a child are inadmissible as evidence of liability.

**SB 1182** authorizes DHS to utilize active or retired social work, medical and law enforcement professionals to assist child welfare workers responding to a report of child abuse or neglect.

Two measures deal with the rights of foster parents:

**SB 1793** modifies the procedures for handling a grievance filed by a foster parent against an employee of DHS by directing that the Office of Juvenile System Oversight (OJSO) within OCCY receive the complaint and then work with the Office of Client Advocacy (OCA) within DHS to ensure that the complaint is investigated and resolved. The measure requires that the OCA resolve grievances within 60 days of receiving the complaint and to notify all foster parents about the grievance procedures and how to file a complaint. Finally, the measure directs OJSO and OCA to compile an annual report for the Legislature detailing the number and nature of complaints received and resolved. **HB 3475** provides that foster parents have the right to receive a copy of the liability insurance policy that DHS maintains for every department-contracted foster home placement.

**HB 1384** creates the Parents' Bill of Rights which outlines the rights of parents to direct the upbringing of their children, including making health care decisions and consenting prior to various tests or procedures being administered or recordings made. The measure delineates responsibilities of boards of education to develop policies to promote the involvement of parents in various facets of their children's education. The bill makes a violation of certain provisions a misdemeanor.

**SB 1937** requires DHS to provide an annual credit report to youth in its custody.

**SB 1779** requires the court to appoint a guardian ad litem to represent a child who is 2 years of age or older in a proceeding to disprove the father-child relationship prior to ruling on a motion for genetic testing.

**SB 1993** provides that the mother of a child born out of wedlock is equally responsible for the expenses of providing for the child as the father and specifies that previous unpaid child support is not affected by adoption of the child. The measure also decreases the limit on liability for back child support that can be imposed on the father from five years to two years preceding the action to establish child support.

**HB 2604** provides that an adoption proceeding can be brought in the county where a termination of parental rights proceeding took place.

Two measures deal with fraud and misuse of public assistance. **SB 1706** establishes penalties for persons who violate the prohibition against using a Temporary Assistance for Needy Families (TANF) benefit card in a liquor store, gaming establishment or adult-oriented business as follows: the first violation results in a 25 percent reduction in the TANF payment for three months; a second violation results in a 35 percent reduction for six months; a third violation results in 50 percent reduction for 12 months and subsequent violations result in the individual being permanently ineligible for TANF benefits. The second measure, **HB 2587**, creates a more comprehensive definition of *trafficking in food stamps*.

## **Elderly and Long-Term Care**

**SB 1536** requires hospitals to give each patient or patient’s legal guardian an opportunity to designate a lay caregiver who will provide after-care assistance to the patient following discharge from the hospital and directs that a hospital consult with the caregiver to prepare him or her to meet the aftercare needs of the patient and to issue a discharge plan that describes those needs.

**SB 1874** requires that any long-term care policy issued under the Oklahoma Long-Term Care Insurance Partnership Program provide annual inflation protection for policy holders younger than 61 years of age of at least 3 percent per year compounded annually or a rate based upon changes in the Consumer Price Index (CPI). The measure also requires policies to provide inflation protection for policy holders 61-76 years of age of at least 3 percent simple or a rate based on the annual CPI.

**SB 1455** requires life care communities to include open admission on 50 percent of their nursing care beds.

**SB 1450** requires the nursing home survey team from the state health department to discuss the team’s observations and preliminary findings with the nursing facility’s personnel. The measure also requires that the facility be provided a written list of potential noncompliance with state requirements that indicate actual harm or substandard quality of care and that additional noncompliance found during the review of inspection notes, or in the course of preparing the final report, be communicated to the facility’s personnel before issuing the report.

### Miscellaneous Children and Families

**HB 2241** provides that a county juvenile bureau is responsible for providing juvenile justice services to children and families within its county and authorizes the Supreme Court to employ up to 10 full-time juvenile case managers in Fiscal Year 2014 and an additional five case managers in Fiscal Year 2015.

**HB 2586** requires a one-year trial period for any Department of Human Services employee who transfers to become a Child Welfare Specialist.

*In 2012, the Legislature authorized the Governor to select the director of DHS and established four citizen advisory panels to provide input and feedback regarding agency programs and administration to the director. That same year, voters approved a constitutional amendment repealing the Commission for Human Services that had been the governing body of the agency and responsible for hiring the director.*

**SB 1216** authorizes the DHS Citizen Advisory Panels to meet, no more than six times per year, at their discretion to solicit input from department employees, persons receiving services from the department and community stakeholders and requires that the meetings comply with the provisions of the Open Meetings Act. The measure also modifies the duties of the panels to include identifying areas of program or service improvement and reporting them to the director.

**SB 1449** authorizes DHS to contract with designated youth services agencies or child-placing agencies for the management and operation of the children’s shelters in Tulsa and Oklahoma City and for the management and operation of group homes for foster children.

**SB 1965** exempts contracts between DHS and designated Youth Services Agencies for the provision of community-based services for children alleged or adjudicated deprived from the provisions of the Oklahoma Central Purchasing Act.

**SB 2057** repeals the Advantage Waiver and Developmental Disability Services Rate Review Committee.

**SB 2088** gives group homes the same rights as foster parents throughout the various stages of a deprived-child proceeding.

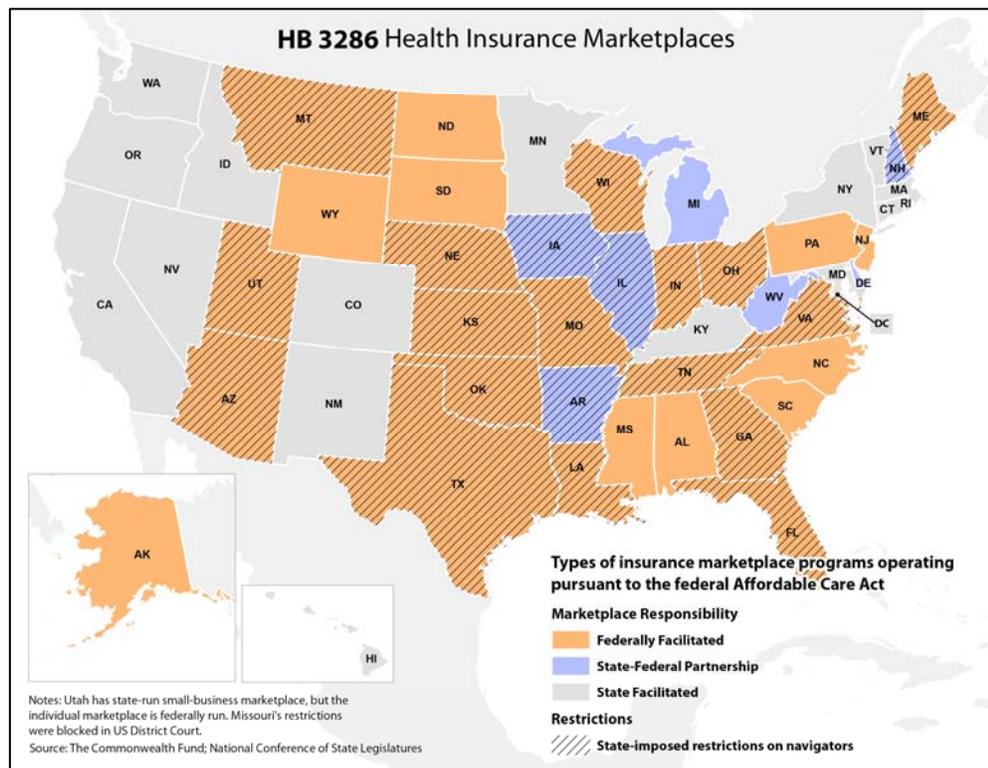
## Insurance

New rules affecting HMOs and the Affordable Care Act in Oklahoma highlight this session's insurance legislation.

**HB 3286** requires navigators operating under the Patient Protection and Affordable Care Act to register with the insurance commissioner. The measure requires navigators to comply with any rules the commissioner deems necessary. Registration as a navigator does not constitute licensing under the Oklahoma Producer Licensing Act. The measure bars navigators from:

- providing advice about which health plan is better or worse for a particular individual;
- recommending a plan; receiving commission or anything of value from insurers, plans, businesses or consumers for navigator activities;
- soliciting door-to-door;
- soliciting any person known to already be insured;
- engaging in voter registration while performing navigator duties;
- providing false or misleading information; and
- violating applicable insurance laws.

The following map shows the type of marketplace serving each state, and which states with federal marketplaces have similar restrictions on navigators.



Several states allow nonprofit health maintenance organizations (HMOs). **HB 3280** authorizes nonprofit HMOs to operate in Oklahoma. The measure provides that nonprofit HMOs may be publicly or privately owned and existing HMOs may apply to the insurance commissioner for nonprofit certification and status.

**HB 3282** repeals the Health Insurance High Risk Pool,

established for individuals who were denied health insurance coverage due to preexisting conditions. Federal healthcare reform has rendered the program unnecessary. Policies in Oklahoma's high risk pool ceased to be available on June 1, 2014, and all remaining policies terminate on December 31, 2014. The pool's board of directors must submit a plan for dissolving the pool to the insurance commissioner by October 1, 2014.

**HB 2190** requires health benefit plans, on or after January 1, 2015, to utilize prior authorization forms for obtaining any prior authorization for prescription drug benefits. The bill specifies that a form cannot exceed three pages in length; however, a health benefit plan may customize the content of the form specific to the prescription drug for which prior authorization is required.

**HB 2929** sets up tighter restrictions on distribution and use of funds from the estate of an insolvent insurer. Claimants may not receive any distribution in cases of intentional wrongdoing, fraud, negligence, or being found to have caused or contributed to the insurer's insolvency. In addition, a claimant may not receive funds that were collected from the claimant in a separate claim made or brought by the receiver of the company. Punitive damages recovered by the insurance company's receiver may be ineligible for distribution to claimants as well. Lastly, the bill provides that any funds left in the estate after all valid claims have been honored may be used by the insurer's receiver to rehabilitate or liquidate other insurers.

**HB 2994** clarifies that the State Insurance Commissioner Revolving Fund will not receive any monies collected for or received from the Workers' Compensation Commission. The measure also allows a carrier to renew its insurance and workers' compensation certifications at the insurance department at the same time.

**SB 1319** is the annual Oklahoma Insurance Department omnibus bill. Some provisions of the measure include:

- the deadline for insurers' annual market conduct statements has been moved from the last day of June. The National Association of Insurance Commissioners deadline will be used instead;
- document filing fees are clarified and simplified;
- the insurance commissioner may now require any filing or fee to be submitted electronically;
- funds will now be deposited directly with the insurance department rather than the state treasurer; and
- an annuity sold to someone over the age of 70 may not have a surrender charge that exceeds 10 years.

Every year, the insurance commissioner calculates all contracts and obligations of every insurance company doing business in Oklahoma. **SB 2045** changes this valuation process. The model valuation system from the National Association of Insurance Commissioners is adopted, to move from a formula-based system to a principle-based calculation of reserves. The change will be implemented when at least 42 states with 75 percent of the United States insurance premiums adopt the revisions.

**HB 2928** reforms certain rules pertaining to bail bondsmen by increasing from \$200 to \$1,000 the annual license renewal fee for multicounty agent bondsmen and requires them to provide annual financial statements to the Insurance Department. The affidavit required of all new bondsmen must now certify that they do not owe any fees to the department, who may now impose stricter penalties for false statements on these affidavits. Finally, the measure requires law enforcement to provide a list of all licensed bondsmen to any incarcerated person.

**SB 1843** changes the amount of time a temporary license plate issued for failure to comply with the Compulsory Insurance Law is valid from 10 working days to 10 calendar days.

**SB 1873** authorizes the insurance commissioner to promulgate rules to establish further disclosure requirements for surplus lines insurance contracts and clarifies when a surplus line insurer can be used.

**SB 2026** provides that an interlocal entity created pursuant to the terms of the Governmental Tort Claims Act is not considered an insurer even if it receives aggregate premiums totaling \$1 million in a 12 month period. However, if the entity receives premiums from an Oklahoma educational institution it must have an independent annual audit and file the report within 180 days following the close of the entity's fiscal year.

Road hazard coverage and certain related services are now included in the definition of a *service warranty* following passage of **SB 1923**. Maintenance service contracts and motor service club contracts are excluded

from the definition. The measure also amends the Vehicle Protection Product Act to clarify that it does not apply to service contract providers licensed under the Service Warranty Act.

**HB 2406** changes the selection process for the Board of Directors of the Oklahoma Property and Casualty Insurance Guaranty Association. Currently, the American Insurance Association, the Alliance of American Insurers and the National Association of Independent Insurers each select two of the twelve members. Beginning in 2014, the Alliance of American Insurers and the National Association of Independent Insurers will be replaced by the Property and Casualty Insurers Association of America and the National Association of Mutual Insurance Companies.

### **Miscellaneous**

**SB 991** provides that insurance policies issued or renewed after November 1, 2014, are not subject to stacking or aggregation of limits unless expressly provided for by an insurance carrier.

**SB 1948** modifies appointment procedures for the five-member Self Insurance Guaranty Fund Board by giving the Speaker of the House, the President Pro Tempore of the Senate, and the chair of the Workers' Compensation Commission one appointment each. Previously all appointments were made by the Governor. The measure also allows the OK Tax Commission to enforce payment of assessment by allowing the filing of liens with the court clerk's office. Finally, the bill authorizes the board to take over any actions or pending proceedings from the soon-to-be obsolete Workers' Compensation Self Insurance Guaranty Fund Board.

**SB 2018** modifies the definition of *travel insurance* to allow travel retailers to offer insurance as a limited lines producer.

**SB 2025** requires domestic title insurers to maintain a premium reserve in the event of insolvency or dissolution of the insurer. The measure defines the minimum amounts required to be placed in reserve.

## Judiciary

In response to the devastating tornados that have frequented Oklahoma over the years, the Legislature expanded the limited liability provided to good Samaritans that assist in the needs of the affected community. Additional measures were enacted which provide direction to the courts on the handling of various topics including product liability, child support and violations of the Open Meetings Act.

## Administration

The Legislature took action to reject a 12 percent pay raise for the judiciary, which was recommended by the Board on Judicial Compensation at their biannual meeting in July 2013. In lieu of the 12 percent raise, legislators approved, through the passage of **HJR 1096**, a 6 percent pay raise for district judges and district attorneys, but required the salary increases to be paid from existing funds.

**SB 2135** authorizes the Administrative Director of the Courts, with the approval of the Chief Justice, to transfer up to \$10 million from the Oklahoma Court Information System Revolving Fund to the Supreme Court Administrative Revolving Fund for appellate and district court expenditures.

**HB 2998** requires that all court records, defined as such by statute, be subject to the provisions of the Oklahoma Open Records Act. Records identified as confidential will not be subject to the provisions and records that are considered to have a privacy interest that outweighs the public's interest in the record can be sealed by the court. Finally, the measure requires the court to promulgate rules that will regulate the display of court records online.

**SB 1648** adds the word *investigation*, as used by agencies within the Administrative Procedures Act, when issuing subpoenas in certain investigations.

## Torts

**HB 2338** provides civil immunity to any person, business, church or school that offers emergency care, aid, shelter or other assistance during a natural disaster or catastrophic event. The immunity does not apply if damages were caused by gross negligence or willful or wanton misconduct.

A related measure, **HB 2325** provides civil immunity to any person who voluntarily provides shelter at the request of the federal government during a declared state of emergency. The bill also adds tornadoes to the list of catastrophic acts of nature that may prompt a state of emergency.

**HB 3365** creates a rebuttable presumption that a manufacturer or seller is not liable for any injury to a claimant caused by some aspect of the formulation, labeling or design of a product if the manufacturer or seller complied with mandatory safety standards in place at time of manufacturing or if the product received premarket licensing or approval by the federal government and was subsequently deemed appropriate for sale by the federal government. No product liability action may be asserted against a product seller unless:

- the seller exercised extensive control over the aspect of the design, testing, manufacture, packing or labeling process;
- the seller altered or modified the product and the modification contributed extensively in causing harm or damage;
- the seller made an express warranty independent of any warranty provided by the manufacturer;
- the claimant is unable to identify the manufacturer of the product;
- the manufacturer is not subject to service of process under the laws of the state; or

- the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

**HB 2405** modifies the Government Tort Claims Act by modifying the definition of *tort* to include statute and the Constitution of the State of Oklahoma. Also, the measure states that if a court of competent jurisdiction finds tort liability on the part of the state or political subdivision based on a provision of the Oklahoma Constitution or state law other than the Governmental Tort Claims Act, the limits of liability provided for in the act will apply.

**HB 3375** requires any party in a lawsuit claiming physical or mental injury to give the opposing party access to medical records, including bills and employment and school records.

**SB 1905** establishes that a health care provider's noncompliance with a provision of the federal Patient Protection and Affordable Care Act or any other regulation, program, guideline other provision associated with the act may not be admissible, used to determine the standard of care or the legal basis for a presumption of negligence in any medical liability lawsuit.

### **Civil Procedure**

**SB 1497** entitles any party that brings a civil suit against a public body for a violation of the Open Meeting Act to be awarded reasonable attorney fees. However, if the public body successfully defends the civil suit and the court finds that the suit was frivolous in nature, the public body will be awarded reasonable attorney fees.

**HB 2366** strengthens Oklahoma's anti-SLAPP (strategic lawsuit against public participation) laws by creating the Oklahoma Citizens Participating Act. The measure allows anyone to file a motion to dismiss a suit related to free speech within 60 days of the suit being filed, have that motion heard within 60 days of filing and ruled on within 30 days by the court. The court must dismiss a legal action against the moving party if the moving party shows by a preponderance of the evidence that the legal action is based on, relates to or is in response to the party's exercise of the right of free speech, right to petition or right of association. If the court dismisses the case, the court is also required to award court costs and attorney fees to the prevailing party and apply sanctions sufficient to deter the nonprevailing party from filing future similar lawsuits.

**HB 2372** prohibits an employer from requiring an employee or prospective employee to provide access to the employee's personal social media account. Any retaliatory personnel action taken against a current or prospective employee by the employer for the employee's refusal is also prohibited and will allow the employee to sue for damages, at a maximum of \$500 per incident. An employer may, however, require an employee to disclose the user name and password for accessing any computer system, technology network or electronic communications device provided and subsidized by the employer.

**SB 1799** allows a court to award the plaintiff in a shareholder's derivative action suit reasonable attorney fees and court expenses, provided any remaining proceeds received by the plaintiff as a result of a compromise or settlement, must be remitted back to the corporation. Upon final judgment in a derivative action suit, the court must require the nonprevailing party to pay the prevailing party reasonable expenses and attorney fees incurred as result of the lawsuit.

**HB 2837** prohibits the sending of written or electronic communication that would threaten the intended recipient with litigation if compensation or a resolution is not provided to the complaining party of a patent infringement claim. The measure allows the attorney general to investigate and bring civil actions against any person who violates the act and allows the court to award damages, reasonable attorney fees and punitive damages to the plaintiff.

**HB 2790** clarifies the process for how a petition for summary administration will be handled by the courts. The measure directs the court to issue letters of special administration without a hearing and directs the court

to set a final hearing no less than forty-five days following the granting of the order admitting the petition and combined notice.

**HB 2343** adds to the list of hearsay exceptions, statements offered against a party that wrongfully causes or assists in wrongfully and intentionally causing the declarant's unavailability as a witness.

**HB 3164** repeals the Y2K Protection Act, which was enacted in 1999 to establish civil guidelines for the handling of lawsuits filed to recover damages resulting directly from a computer data failure between the years of 1999 and 2000.

## **Criminal Procedure**

**SB 1371** modifies the legal procedure and punishments for crimes that involve proceeds acquired from a specified unlawful activity. *Specified unlawful activity* is defined as an act or omission, including any initiatory, preparatory or completed offense or omission that is punishable as a misdemeanor or felony under the laws of Oklahoma or under the laws of the state in which the crime occurred. Prosecutions for these crimes will be special proceedings and require the petitioner to prove by a preponderance of the evidence that property was used to commit a crime involving unlawful proceeds. The measure also establishes a tiered penalty system based on the amount of money involved, which is outlined as follows:

- \$2,500 and under: guilty of misdemeanor
- \$2,500-\$10,000: guilty of felony, up to 2 years of imprisonment
- \$10,000-\$50,000: guilty of felony, between 2-10 years of imprisonment
- \$50,000 and over: guilty of felony, between 5-20 years of imprisonment.

**HB 2568** reclassifies the criminal act of attempting to influence the verdict of a juror from a misdemeanor to a felony. The crime is punishable by a fine up to \$5,000 or up to 10 years of imprisonment or by both fine and imprisonment.

**HB 2774** provides that municipal jailers and law enforcement officers are only eligible to serve as jurors on noncriminal actions.

**HB 2591** allows a child witness or incapacitated witness to be accompanied by a certified therapeutic dog and its handler, if one is provided, or a support person while giving testimony in a criminal court proceeding.

**SB 989** amends the definition of *false or bogus check or checks* to include those given as payment made to a landlord under a lease or rental agreement.

## **Family Law**

**HB 2249** requires parties in a divorce to attend an education program concerning the impact of divorce on children if divorce is granted by the court because of incompatibility and a child under the age of 18 is involved. The court may also waive attendance of the program for good cause shown. The education program must be completed within 45 days of receiving a temporary order from the court and will include the following components:

- short-term and long-term effect of divorce on child well-being;
- reconciliation as an optimal outcome;
- effects of family violence;
- potential child behaviors and emotional states during and after divorce and how to respond to the child's needs;

- communication strategies to reduce conflict and facilitate cooperative parenting; and
- area resources, such as nonprofit or religious organizations, available to address issues of substance abuse or other addictions, family violence, behavioral health, individual and couples counseling and financial planning.

Each program attendee will be responsible for the program fee, which will cost between \$15 and \$60, to be paid directly to the program provider. The program provider must carry general liability insurance and maintain an accurate accounting of all business transactions and funds received in relation to the program. The Administrative Office of the Courts may enter into a memorandum of understanding with a state entity or other organization to compile data related to the program and the report must be published on the court website and distributed to the Governor and Legislature.

**SB 1784** removes the requirement that a court must suspend or revoke any state licenses held by an individual who is in noncompliance with an order for child support. The measure places the decision to revoke or suspend licensure at the discretion of the court.

**SB 1612** modifies the procedure for enforcing visitation orders of the court. The measure requires any order of the court providing for visitation to contain a provision stating that the custodial parent has a duty to facilitate visitation of a minor child with the noncustodial parent. In addition, the measure directs a court to award reasonable attorney fees and court costs to the prevailing party on a motion for enforcement of visitation rights; removes the requirement that a court order mediation following upon filing of a motion for enforcement of visitation rights; and provides a template for the form that will be used to request a motion to enforce visitation rights.

## **Alcohol and Tobacco**

To deter the sale of cigarettes over the Internet and through mail-order, **HB 2361** prohibits the distribution, selling or transport of cigarettes by a person who is not a manufacturer, wholesaler or distributor licensed by the Oklahoma Tax Commission or an authorized export warehouse proprietor. The measure also makes it illegal for any common or contract carrier to knowingly transport cigarettes to any person other than those authorized to receive them. An exception is available for quantities less than 1,000 cigarettes per incident delivered to a home or residence. Those found guilty of transporting cigarettes are subject to a civil penalty equal to \$2,500 for each violation or \$25 for each pack shipped, whichever is greater. The offender may also be required to reimburse the state for the cost of investigating the violation and any attorney fees or costs associated with prosecuting the violation. Lastly, the bill brings Oklahoma law into compliance with federal law by prohibiting the sale of tobacco products on tribal land to minors under the age of eighteen.

A related measure, **HB 2363**, requires tobacco wholesalers to report information on tobacco sales to the attorney general's office every month. To ensure compliance with statutes related to contraband tobacco sales, the attorney general (AG) may also inspect all premises and records related to the manufacture, production, storage, transportation, sale or exchange of tobacco products located in the state of Oklahoma, located out of state and licensed by the Tax Commission or those who are on the AG's directory of tobacco product manufacturers. The measure also modifies the bonding and reporting requirement for nonparticipating manufacturers (NPMs) under the Master Settlement Agreement Complementary Act (MSACA). An NPM must post a bond for the exclusive benefit of the state if:

- the NPM was not listed in the Oklahoma Tobacco Directory during the 4 consecutive calendar quarters prior to the manufacturer's application to be on the directory;
- the NPM was involuntarily removed or denied recertification for noncompliance with the MSACA or the Prevention of Youth Access to Tobacco Act; or
- the AG determines that the NPM poses an elevated risk for noncompliance.

The bond amount is the greater of \$50,000 or 50 percent of the required escrow when the NPM was previously listed. The manufacturer or importer must post a bond for three consecutive years or longer if the AG determines that the manufacturer or importer poses an elevated risk at the end of the three-year period. Elevated risk of noncompliance by an NPM or an affiliate may be determined under the following circumstances:

- the NPM or its affiliates has been removed from the tobacco directory of another state or placed on a list of noncompliant companies;
- any state or the federal government has filed litigation against or has an unsatisfied judgment against the manufacturer for unsatisfied payments of a tobacco trust or escrow account; or
- the manufacturer or its affiliate has been charged, entered a plea or has been convicted of violating the Contraband Cigarette Trafficking Act, the Jenkins Act or the PACT Act.

**SB 1715** defines *public event* as used in the Oklahoma Alcoholic Beverage Control Act and establishes a \$55 Charitable Alcoholic Beverage License, a \$1,005 Annual Public Event License, and a \$255 One Time Public Event License. A \$25 surcharge is also established for the Annual Public Event License. The new license will allow licensees to hold annual or one time public events to sell and distribute mixed beverages for consumption on the premises for a limited number of events. A charitable alcoholic beverage license will allow the event attendees access to tastings, samples, dinners and alcoholic beverages as parts of their entrance fee or ticket price. Finally, the measure provides that licensees allowing any person to be drunk on the premises may be charged with a misdemeanor, with punishment established as a \$100 fine or imprisonment in the county jail for up to 30 days.

### **Workers' Compensation**

**HB 3538** authorizes the Workers' Compensation Commission to expend \$4 million from the Workers' Compensation Commission Fund in fiscal year 2015. The revenue available in the fund is generated from the fees and fines imposed by the commission.

**HB 3539** creates a revolving fund for the Workers' Compensation Court of Existing Claims in order to fund the operations of the preexisting court. Revenue deposited in the revolving fund will be generated from the fees and fines imposed by the court.

**SB 2029** repeals workers' compensation statutes relating to deposits and transfers in the now defunct CompSource Oklahoma fund.

### **Liens**

**SB 582** modifies the procedure for providing notice of service liens. Currently, it is the responsibility of the requestor to mail a notice to all interested parties within 60 days after the first services are rendered. The measure requires the notice to also include a written proof of authority to perform the work, labor or service and a list of itemized charges equaling the total compensation claimed. Failure to comply with lien requirements will result in denial of any title application and cause the special lien to be subordinate to any perfected lien. Upon denial, the applicant may resubmit a corrected title application within 15 business days of receipt of the denial. Furthermore, if the person claiming a special lien fails to comply with the notice requirements, any interested party may sue for damages arising from the property being sold.

If the court finds that information in the notice is false or fraudulent, the interested party will be entitled to treble damages, including all court cost and reasonable attorney fees. Any person who knowingly makes a false statement to foreclose an owner or lienholder's interest would be guilty of a felony. Upon receipt of notice of legal proceedings, the Tax Commission must put the sale on hold until notice of resolution of court

proceeding is received from the court. Finally, the bill provides that upon the release of the personal property to an insurer or representative of an insurer, wrecker operators are exempt from all liability and claims of loss.

**SB 1077** establishes procedures for claiming and enforcing an attorney's lien on real property.

## Public Safety

The Legislature adopted several measures to secure the rights of individuals to carry firearms. **HB 2614** allows valid handgun permit holders to possess handguns on elementary and secondary school parking lots, provided the handgun is stored and hidden from view in a locked motor vehicle when the vehicle is unattended. The penalty for illegally carrying a handgun on school property is reduced from a felony to a misdemeanor with a maximum fine of \$250. The measure also removes the \$250 administrative fine associated with violations relating to a handgun licensee who carries a weapon into a prohibited location, other than a school parking lot.

In an effort to improve the background checks made on persons seeking a handgun carry license, **SB 1845**, requires a court which adjudicates a person mentally incompetent or orders the involuntary commitment of a person due to a mental illness to send a certified copy of the order or adjudication to the FBI for purposes of the National Instant Criminal Background Check system database and to the Oklahoma State Bureau of Investigation (OSBI). The measure also creates a mechanism to allow a person who has been involuntarily committed or adjudicated to petition the court to remove the disability which prevents the ability of the person to obtain a firearm.

Vetoed by the Governor, then overridden by the Legislature, **HB 2461** requires a sheriff or chief of police to execute any request for documents relating to the purchase of firearms defined by the National Firearms Act within 15 days if the purchaser is not prohibited from possessing a firearm.

Other firearm related legislation:

**HB 2496** would allow the possession of a gun, knife, bayonet or other weapon by a member of a veterans group, the National Guard, active military, ROTC on school grounds during approved ceremonies.

**HB 2594** would allow an applicant for a handgun license to use electronic fund transfer to pay the application fee.

**HB 2692** extends from 30 to 90 days the grace period for the renewal of a handgun carry license.

**HB 2840** prohibits any person serving a term of probation or who is under the jurisdiction of any alternative court program from having a firearm in their possession.

**HB 2888** allows the spouse of a member of the military who has permanent military orders within Oklahoma to apply for a handgun carry permit.

**HB 2874** establishes that a certificate of completion of training for a handgun carry license is valid for three years and requires firearms instructors to keep on file for not less than three years a roster of each training class, safety test scores and types of weapon used to qualify.

**SB 934** allows a legal guardian or a person acting with the permission of a parent to give a child a firearm for participation in education and training in the safe use and handling of firearms.

**SB 1442** allows former district attorneys to carry firearms for personal protection upon completion of an approved course in firearms training. The measure allows CLEET to issue an identification card to a district attorney, assistant district attorneys, former district attorney, U.S. Attorneys, attorneys general or judges and charge a fee of \$100 for the ID card.

**SB 1471** allows the OSBI to release the fingerprint card of a Self-Defense Act permit applicant who is deceased to an intermediate family member for a \$15 fee.

**HB 3510** modifies the definition of *justifiable homicide* to allow for the defense of another person. This language was originally contained in HB 2536, which was vetoed by the Governor.

### **Driver License**

**HB 2387** provides that a valid and unexpired Oklahoma driver license will serve as both primary and secondary proofs of identity when applying for a state ID card.

**HB 2592** authorizes the use of a United States Uniformed Services DD Form 2 Identification Card as proof of military service when obtaining a veteran emblem on an Oklahoma driver license.

**SB 1332** allows a driver education course, certified by a state other than Oklahoma, to satisfy the course requirements for a person 15 ½ years old to obtain a driver license. The measure authorizes DPS to create a knowledge test that may be taken on the Internet by an applicant applying for a Class D license. The bill provides that failure to submit the federally required medical certification for a commercial driver license will result in an automatic downgrade to a Class D license. However, once medical certification is received by DPS, the license will be reinstated to commercial status without the need to reapply. The bill also allows the certification fee assessed to a designated examiner employed by an Oklahoma public school to be waived by DPS.

### **Permits and Registration**

**HB 1516** creates the Oklahoma Crusher Act and requires any person engaged in the business as a motor vehicle crusher to obtain a license from the Oklahoma Used Motor Vehicle and Parts Commission. The measure provides eligibility criteria for licensure and requires the commission to investigate applicants. A licensed crusher is required to obtain proof of ownership from a person selling a used motor vehicle, trailer or non-motorized recreational vehicle to the crusher. Finally, the bill establishes criminal penalties for failing to obtain a license and for false declaration of ownership.

**HB 2328** directs the Department of Public Safety to issue annual vehicle permits to a transportation company or manufacturer of portable buildings for the movement of oversize portable buildings. The measure establishes:

- a 12-foot width, 14-foot height and 45,000-pound limit;
- a fee of \$500 for the permit; and
- a fee of \$25 to replace a lost or destroyed permit.

Finally, the bill requires the Oklahoma Load Limit Map to be made available on the Internet and updated every six months.

**SB 387** makes numerous changes relating to automobile dealerships. The measure grants the Used Motor Vehicle and Parts Commission the authority to suspend or revoke the license of a new motor vehicle dealer or salesperson who sells an extended service contract or extended maintenance plan using contract forms that do not conspicuously disclose the identity of the service contract provider. Motor vehicle dealers are given greater discretion on their dealings with automotive factories by allowing the dealer to determine adequate compensation for warranty parts obtained from the factory. Finally, the measure also makes modifications to automobile dealer franchise agreements by establishing procedures to be followed when a dealership is required to construct a new facility or substantially renovate an existing facility.

**SB 1369** includes overweight vehicles hauling fertilizer, cottonseed, cotton, livestock, peanuts, canola, sunflowers, soybeans, feed in bulk, any other raw agricultural products and any other unprocessed agriculture products as vehicles which are required to purchase an annual special overload permit under certain conditions.

**SB 1397** modifies the definition of *all-terrain vehicle* to clarify that the vehicle is 50 inches or less in width. The measure modifies the definition of *recreational off-highway vehicle* to clarify that the vehicle is 65 inches or less in width.

**SB 1551** provides that the \$100 special overload permit is to be issued solely by the Oklahoma Corporation Commission and allows \$3.50 of the fee is to be retained by the commission.

**HB 3156** creates the Oklahoma First Informer Broadcasters Act to allow a broadcaster to become certified as a *first informer broadcaster*, which will give them increased access to disaster areas to perform technical and mechanical repairs that would enable transmission of disaster-related information. In cooperation with the Department of Emergency Management, broadcasters may develop training and plans for preparing and responding to a disaster.

**SB 1624** provides that the reduced registration fee for vehicles owned by members of the Armed Forces of the United States, the Reserve Corps of the Armed Forces of the United States and the Oklahoma National Guard or their spouses assigned to duty in this state do not apply to vehicles owned by retired members of the armed forces, inactive members of the Reserve Corps of the Armed Forces, inactive members of the guard and other members and former members of the armed forces who are not on active duty.

## **Law Enforcement**

**HB 3531** requires all license fees for security guard and private investigator to be deposited into the Council on Law Enforcement Education and Training (CLEET) Private Security Revolving Fund.

**SB 232** removes the current salary schedules for the Highway Patrol, Capitol Patrol, Communications, and Driver License Examining divisions of the Department of Public Safety (DPS). The measure requires that the salaries of all personnel within those divisions conform to the findings of the State of Oklahoma Total Remuneration Study of 2013, which stated Highway Patrol Trooper salaries were 14 percent below the average salary of troopers in other states.

**SB 1372** lowers the age limit from 23 to 21 years of age for commissioned officers within DPS. The measure allows military service to be counted towards the number of hours of accredited college or university experience required to be considered an officer.

**SB 1407** allows CLEET to suspend the license of a security guard or private investigator if the person's actions present a danger to a family household member or is involved in a crime against a minor. The measure also requires a refund request for any reason other than disqualification or denial to be made in writing and submitted within six months of the date payment was received.

**SB 1474** makes numerous administrative changes related to CLEET. The measure allows the executive director of the council to commission CLEET staff as peace officers within the agency and requires all police departments and sheriff's offices in the state to have a chief of police or sheriff who is a full-time certified police or peace officer. The measure requires law enforcement agencies to report the hiring, resignation or termination of a peace officer to CLEET within 10 days of the action. The measure allows notice served by CLEET made to the address on file with the council in any proceeding to be deemed by the court as having been legally served for all purposes.

**SB 1444** requires the local law enforcement authority to photograph a person subject to sex offender registration when the person registers if the photograph in the Department of Corrections sex offender registry is more than one year old or if it cannot be determined when the photograph in the registry was taken.

**SB 1600** expands the locations where a peace officer may arrest a person without a warrant when the person was involved in an accident and the officer has probable cause to believe the person was under the influence of alcohol or drugs. The expanded locations include a public place, private road, street, alley or lane which provides access to one or more single or multi-family dwellings.

**SB 2078** allows the Oklahoma Employment Security Commission to release information to any Oklahoma state, county or municipal law enforcement agency to aid in criminal investigations and the locating of missing persons or fugitives.

### **Bail Bonds**

Several measures were enacted dealing with bail bond regulation. **HB 2407** creates a definition for a *multicounty agent bondsman* and establishes a \$750 application fee to be paid to the Insurance Department. The renewal fee for a multicounty agent bondsman is set at a cost of \$1,000.

Another measure, **HB 2928** requires multicounty agent bondsmen to provide annual financial statements. The bill changes the date by which bondsmen must file the required annual financial statement and defines what information is to be presented on the receipt provided by bondsmen. Affidavits submitted by new bondsmen are required to certify that they owe no fees to the Insurance Department and permits the department to impose stricter penalties for a false statement on the affidavit. Law enforcement is required to provide a list of all licensed bondsmen to any incarcerated person, but any bondsman without a current surety will be removed from the list. The measure requires that, on forfeiture of the bond, an order and judgment of forfeiture be filed with the clerk of the trial court within 15 days of the date of forfeiture. It adds a requirement that the bondsman must request a hold on the defendant and guarantee travel expenses for a defendant to be considered returned to custody.

**SB 2003** provides that it is unlawful for any person not licensed as a bail enforcer to mark any vehicle, wear any apparel, or display any badge or identification card bearing the words bail enforcer, bail enforcement, bail enforcement agency or any other words that imply the person is licensed.

### **Miscellaneous Public Safety**

**HB 1112** allows a district attorney to file a motion requesting forfeiture of a motor vehicle owned by a person convicted of driving under the influence three or more times.

**HB 2676** makes audio and video recordings of the Department of Public Safety public records.

**HB 2688** repeals a section of law relating to the licensure, registration and taxation of intercity motorbuses.

**SB 1599** provides fuel reimbursement to any non-elected law enforcement official or citizen who offers their aircraft for searches or criminal pursuits during official business. The measure requires each public entity that authorizes such use to establish a policy to verify information related to the reimbursement for the cost of fuel. The reimbursement must be made available to the public in the same manner as other expenditures.

**SB 1824** amends the Oklahoma Victim's Rights Act by modifying the definition of *family member* to include the parents of adopted children, step-parents, grandchildren and step-siblings, so that these persons can avail themselves of the rights afforded under the act.

**SB 2098** requires towing companies to release all personal property within a vehicle that was towed pursuant to a nonconsensual tow, to any person upon proof of ownership of the vehicle.

## Corrections

Several measures were adopted this session to reduce the number of offenders entering the prison system and assist in reintegrating offenders back into society.

As part of the effort to find successful programs which provide an alternative to incarceration, **SB 1278** creates the Criminal Justice Pay for Success Initiative and authorizes the Office of Management and Enterprise Services to contract with social service providers that offer diversion and reentry programs to persons not under the custody or control of the DOC.

Another important measure, **HB 2859**, requires mental health court judges to recognize relapses and restarts in the mental health court program as part of the rehabilitation and recovery process. The court is to increase offender accountability by ordering progressively increasing sanctions rather than removing someone from the program. Additionally, the bill requires a hearing to be conducted prior to any revocation from the program.

**SB 2140** reduces from two to one year the amount of time which must elapse before a person charged with a misdemeanor can file for an expungement. The measure provides that a person convicted of a nonviolent felony can seek expungement if the person has not been convicted of a misdemeanor in the previous 15 years. The measure also increases the time for notice of hearing by the court from 30 days to 45 days and requires objections to the petition to be filed 15 days prior to the hearing. These changes were originally contained in HB 2609 which was vetoed by the Governor.

Another measure related to the expungement of records, **SB 1875**, provides that records expunged pursuant to a deferred sentence and records relating to violations of the Uniform Controlled Dangerous Substances Act are to be sealed to the public but not to law enforcement agencies. The records are to be admissible in any subsequent criminal prosecution to prove the existence of a prior conviction or prior deferred judgment without the necessity of a court order requesting the unsealing of the records.

**HB 3159** allows the court to order probation services to be provided by a private supervision provider or other person designated by the court.

## Miscellaneous Corrections

**HB 2486** provides that inmates serving a sentence of life without the possibility of parole are exempt from inmate wage requirements relating to mandatory inmate savings.

**HB 2779** authorizes the director of the Department of Corrections (DOC), subject to the requirements established by the Information Services Division of the Office of Management and Enterprise Services, to establish an emergency alert notification system at each DOC facility to notify the public of facility emergencies or prisoner escapes.

**HB 2877** requires the DOC to include all direct and indirect costs incurred by the department when calculating the budgeted average daily cost per inmate.

**HB 3012** allows a correctional officer to receive their badge upon retirement.

**HB 3215** lowers the minimum expense amount from \$8,000 to \$6,000 per medical event that qualifies a county jail to access the Medical Expense Liability Revolving Fund. The fund is available to assist county jails in the event an inmate in the custody of the jail has extensive medical costs due to injury or ailment.

**HB 3290** repeals the remaining sections of the Support Training Results in Valuable Employment (STRIVE) Act.

**SB 1720** requires entities that supervise offenders on probation to conduct an intake and orientation, substance abuse assessment, criminal risk needs assessment, develop a treatment plan, conduct substance abuse testing and monitor the compliance of the offender as ordered by the court. The supervising entity must also provide sanctions in the event the offender violates the conditions of probation.

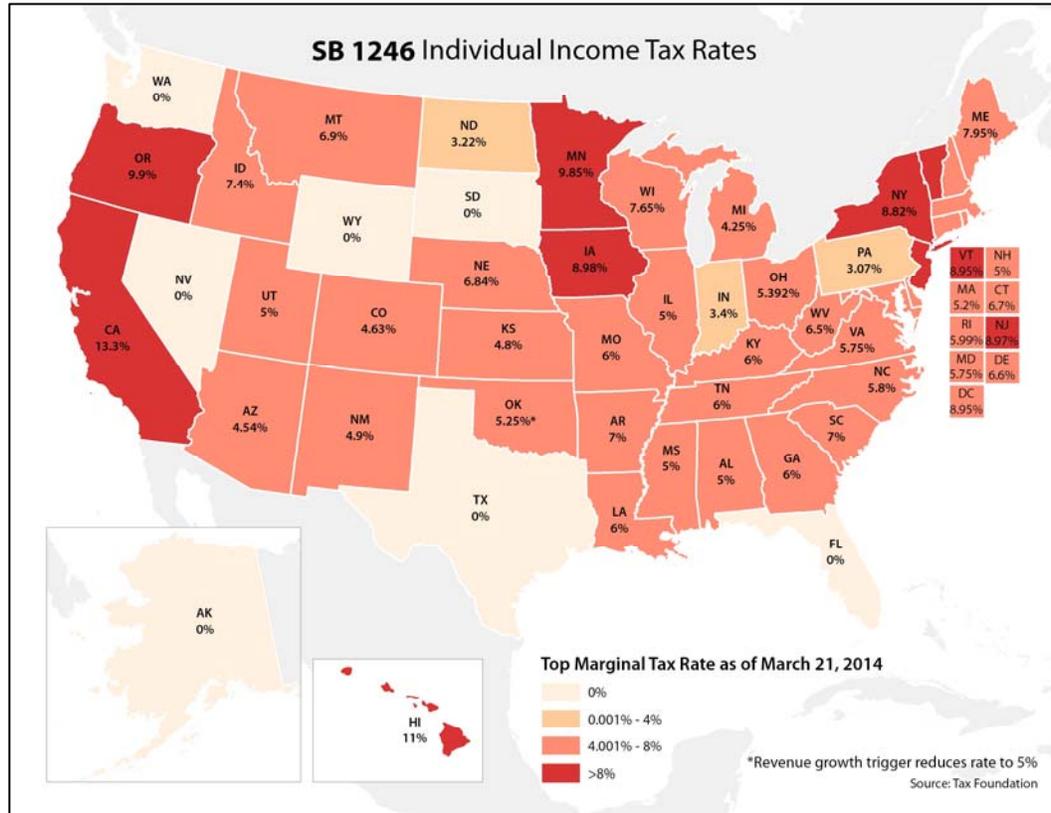
**SB 1737** removes the living space requirements for inmates from statute and requires instead the use of the American Correctional Association Standards.

## Revenue and Taxation

After the Oklahoma Supreme Court ruled against legislation from the previous session which would have reduced the state income tax rate, the Legislature returned determined to reduce the personal income tax rate this session. Legislators also took action to extend several incentives for the oil and gas industry, military personnel and tornado victims.

## Income Tax, Credits, Deductions, Exemptions

Contingent on certain revenue growth, **SB 1246** establishes a trigger mechanism to reduce the top marginal personal income tax rate to 5 percent. If the total General Revenue Fund estimate for FY2016 is greater than the total General Revenue Fund estimate for FY2014, the rate would be reduced to 5 percent for tax year 2016. If the tax cut is not implemented, then the State Board of Equalization will repeat the comparison in subsequent tax years until the trigger is met. Following the implementation of the 5 percent tax rate, there is a second revenue based trigger to reduce the top marginal personal income tax rate to 4.85 percent. The following map illustrates each state's income tax rate.



**SB 1723** makes permanent an income tax deduction that allows military personnel to deduct 100 percent of income derived from active military pay.

**SB 1621** modifies the income tax deduction for individuals who incur expenses to provide care for a foster child. The measure

increases the deduction from \$2,500 to \$5,000 for all taxpayers, except those filing as married filing separately; married persons filing separately in a year in which they could have filed a joint return may each claim one half of the deduction.

**HB 2643** makes numerous changes to the Oklahoma Equal Opportunity Education Scholarship Act. The measure adds subchapter S corporations to the list of entities eligible for the credit and authorizes the allocation of the credit to the partners, shareholders, members or other equity owners of a pass-through entity. Beginning tax year 2015, the credits will be distributed by the Tax Commission on a first-come, first-serve

basis subject to a \$3.5 million annual cap for donations to an eligible scholarship-granting organization and \$1.5 million annual cap for donations to an eligible educational improvement grant organization. The measure also increases the credit amount to 75 percent of total contributions if the individual makes a written commitment to contribute the same amount for two additional consecutive years.

Furthermore, the bill removes the requirement that scholarship-granting organizations or educational improvement grant organizations report information on each contribution received to the Tax Commission. However, the measure requires scholarship-granting organizations and educational improvement granting organizations to submit a report that includes an audited financial statement along with information detailing the benefits, successes or failures of the program to the Governor and Legislature before December 31, 2017 and every four years thereafter.

*The Oklahoma Equal Opportunity Education Scholarship Act provides tax credits for donations to nonprofits that provide private school scholarships to low-income students. An individual taxpayer can donate up to \$2,000 per year and receive 50 percent back and a corporation can donate up to \$100,000 per year and receive 50 percent back in the form of an income tax credit.*

**SB 2128** creates the Oklahoma Affordable Housing Act for the purpose of enacting a state tax credit that will match the federal low income housing tax credit for qualified projects placed in service after July 1, 2015. The nonrefundable credit is capped at \$4 million annually and may be claimed beginning tax year 2016. Any amount of credit not used can be carried forward for up to five years. Additionally, the credit will be administered by the Oklahoma Housing Finance Agency and will be subject to review every five years by a committee of nine persons appointed by the Governor and Legislature.

**HB 2711** extends the sunset date of the Oklahoma Quality Events Incentive program to June 30, 2018. The measure simplifies the method for determining the economic impact of a quality event by deleting the definition of *quality event area* and *revenue capture period* from the act. The economic impact report will be determined using the dates during which a quality event is hosted, instead of the revenue capture period.

Several measures modify sunset provisions related to existing tax credits.

**HB 2580** extends the sunset date of the Compete with Canada Film Act to July 1, 2024. The film rebate program was set to expire July 1, 2014. The program offers a 35 to 37 percent cash rebate on Oklahoma expenditures to qualifying companies filming in the state.

**HB 2509** extends the sunset date of the aerospace engineer tax credit to January 1, 2018. The measure also modifies the definition of *qualified employee* to include those who worked in the aerospace sector, not as full-time engineers, prior to receiving an undergraduate or graduate degree.

**SB 1150** sunsets the tax credit allowed for any bank or credit union operating in Oklahoma for the amount of guaranty fees paid to the United States Small Business Administration on January 1, 2017.

**SB 1151** sunsets the Film or Music Profit Reinvestment Credit on January 1, 2017. The credit is equal to 25 percent of the profits from the investment in an existing Oklahoma film or music project, provided the taxpayer reinvests the profits from the first film to pay for the production cost for a new film or music project.

**SB 1152** sunsets the tax credit for eligible wages paid by an employer to an injured employee. The credit is 10 percent of the amount of gross wages paid to the employee and capped at \$5,000 per employee and capped at \$25,000 per employer.

**SB 1153** sunsets the tax credit for eligible expenses incurred by a child care provider on January 1, 2017. The credit is 20 percent of the amount of eligible expenses paid by the provider in order to comply with national standards recognized by the Department of the Human Services.

**SB 1170** sunsets the tax credit for all electronic fund transfer fees paid by an individual or entity on January 1, 2017. The fee, which is set by statute, is \$5 for each transaction up to \$500. A transfer over \$500 is assessed an additional fee equal to 1 percent of the amount in excess of \$500.

Finally, **SB 1226** sunsets the tax credit for financial institutions making loans under the Rural Economic Development Loan Act on January 1, 2017. The credit is 5 percent of the amount of annual payroll certified by the Oklahoma Rural Economic Development Loan Program Review Board.

### **Ad Valorem Tax**

**HB 2621** sends to a vote of the people two constitutional amendments. The first amendment would allow a disabled veteran or their surviving spouse, who qualifies for 100 percent disabled veteran homestead exemption, to sell their home and receive the exemption on a newly acquired home.

The second amendment would create a homestead exemption for the surviving spouse of military personnel who die in the line of duty. The exemption is 100 percent of the fair cash value of the homestead. The Department of Defense would make the determination regarding whether the person was eligible.

**HB 3119** extends the amount of time that a taxpayer has to file a written complaint with the county assessor from 20 to 30 days after receiving a written notice that the taxpayer's property value has increased. If the taxpayer is unable to personally appear at a scheduled informal hearing to discuss the disputed valuation, the assessor must give the taxpayer at least two opportunities to reschedule. In counties with a population of 300,000 or less, the county board of equalization must provide at least three dates where the taxpayer may personally appear to make a presentation of evidence.

**HB 2534** requires that, prior to a meeting to hear a property tax appeal, each member of the county board of equalization sign an affidavit stating that he or she has not communicated with the county assessor about any pending appeals. The measure also requires all parties involved in the appeal to sign an affidavit stating that the evidence being presented is true.

### **Tornado and Disaster Tax Relief**

**HB 3216** provides several sales, ad valorem, income, vehicle registration and vehicle excise relief measures to victims of tornadoes occurring in calendar year 2012 or calendar year 2013 for which a Presidential Major Disaster Declaration was not issued. The following benefits would be extended to qualifying individuals:

- credit for registration fees associated with a vehicle which is a replacement for a currently registered vehicle which was destroyed;
- sales tax exemption on the sales value of tangible personal property donated for the assistance of persons affected by a tornado;
- late admittance of a sale tax report by sale tax vendors;
- credit for excise tax previously paid for a destroyed vehicle, which is to be applied to the excise tax due on a replacement vehicle; and
- refundable income tax credit for any increased ad valorem tax that is a result of rebuilding or repairing residential real property damaged or destroyed as a result of a natural disaster. The credit is the difference between the ad valorem taxes paid on the property in the year prior to the damage and the ad valorem taxes paid on the first year the property is completely or fully repaired or rebuilt.

A similar measure, **SB 1199**, allows these relief measures to be applicable for tornados that could occur in future years.

**HB 2810** modifies the process for reassessing the value of properties damaged by natural causes such as fire, storms and floods. An assessor must make the appropriate value adjustment to a property prior to publishing the assessor's report to the excise board. Any adjustment after the submission of the report must be made by the county of tax roll corrections and after the assessor has certified the tax roll for the current year. The board of tax roll correction is only authorized to approve or reject the value adjustment submitted by the county assessor.

Another relief measure, **HB 3188**, amends the definition of *improvement* as it relates to determining the maximum fair cash value on a homestead subject to ad valorem tax to exclude any expenditure for the purpose of repairing damage to a residential or business structure caused by a natural disaster. Any improvements made to a structure because of these reasons will be disregarded when determining the maximum amount of fair cash value subject to ad valorem taxation. If additional square footage is added to the property from such improvements, the county assessor must determine the fair cash value of the additional square footage separately.

### **Gross Production Tax**

**HB 2562** establishes a reduced 2 percent gross production tax rate on production from a new well spudded on or after July 1, 2015 for 36 months of production. Thereafter, the standard 7 percent rate takes effect. The apportionment of gross production taxes collected at the 2 percent rate will be distributed as follows:

- 50 percent will be credited to the General Revenue Fund;
- 25 percent will be credited to the County Highway Fund; and
- 25 percent will be credit to each county, to be distributed to the school districts on an average daily attendance per capita distribution basis.

The measure also extends the sunset date of several drilling incentives until July 1, 2020. These include incentives for secondary recovery projects, tertiary recovery projects, inactive wells, production enhancement projects and economically at risk leases.

### **Sales Tax**

**HB 1875** lowers the percentage that the Oklahoma Tax Commission (OTC) is authorized to retain from city and county sale and use tax revenue for collection services rendered. Beginning July 1, 2015, the OTC may only retain .05 percent of the total sales and use revenue from a city or county that contracts with OTC for collections services. Currently, OTC can retain up to 1.75 percent from municipalities and 1 percent from counties. To make up the loss in revenue for OTC, an amount equal to .05 percent of gross city and county sales tax collections will be credited to the commission from the Oklahoma Tax Commission and Office of Management Enterprise Services Joint Computer Enhancement Fund. The measure is projected to save local taxing jurisdiction over \$10 million in annual collection fees.

**HB 2480** defines *regional district* and allows a regional district in conjunction with a transportation authority or regional economic development authority to levy a sales tax, subject to voter approval, up to 2 percent from all sales and services in the district. The tax may not be approved when another sales tax is being levied by another authority in the same regional district during the same time period. The measure also provides for the makeup of the governing board of an authority.

**SB 331** makes permanent a sales tax exemption provided to non-profit parent-teacher associations or 501(c)(3) nonprofit local public or private school foundations. The measure also restores language inadvertently removed last session for sales tax exemptions related to the sales of aircraft and aircraft parts occurring at a qualified aircraft maintenance facility.

**HB 3143** provides that sales, use and occupancy tax ordinances of a municipality will be applicable if the goods or services are sold by the private sector on a military installation located on federal property that was annexed on or after July 1, 1998.

**SB 862** removes the requirement that gold, silver, platinum, palladium or other precious metal items be stored within a recognized depository facility in order to be exempt from state sales tax. The measure also prohibits any person to compel another person to accept gold or silver coins as a form of payment except as agreed upon by contract.

### **Tax Administration**

**SB 1228** allows the Oklahoma Tax Commission (OTC) to hold any individual personally liable for unpaid sales tax, withholding tax or motor fuel tax if that individual had direct control, supervision or responsibility for filing returns and payment of the taxes for a business or legal entity. Currently, the OTC may only hold the principal officers or managers of the entity liable for unpaid taxes.

**SB 1244** changes several processes related to the administration of delinquent and overpaid taxes to the state. The measure extends the grace period from 30 to 60 days for payment of delinquent taxes and interest due. The measure also extends the time period to request a hearing with the OTC. The extension applies to cases where a taxpayer files a claim asserting that he or she overpaid taxes.

**SB 341** extends the final date, from September 1 to September 15, that franchise tax payments are accepted before penalties apply.

**HB 3509** directs the Oklahoma Tax Commission to issue a separate exemption card to a spouse or household member at the request of a person claiming the 100 percent disabled veteran sales tax exemption.

**SB 503** allows the Oklahoma Tax Commission to prohibit the issuance of a replacement license plate or decal if the license plate was seized by law enforcement for failure to maintain insurance coverage on a motor vehicle.

**SB 1980** requires the Office of Management and Enterprise Services to develop on its website an interactive Oklahoma Taxpayer Receipt function that will allow a taxpayer to estimate how much of the individual's income and sales tax is allocated for various state expenditures.

**SB 2058** and **HB 3024** repeal the Cigarette and Tobacco Tax Advisory Committee.

## Transportation

The Legislature continued its focus to preserve the integrity of the state's roads, bridges and waterways.

**HB 3177** allows a county, upon a majority vote of its board of county commissioners, to open and maintain any federal highways or roads that are temporarily closed due to loss of federal funds during a federal government shutdown.

**HB 3515** directs the Department of Transportation to expend up to \$2.5 million for construction of roads to existing industrial sites and roads for economic development and up to \$2.5 million for the construction of roads to historical sites and lake access roads.

**HB 3055** increases the threshold from \$250,000 to \$500,000 for road and bridge special maintenance projects that can be performed by special maintenance crews.

**SB 1198** modifies the criteria for membership to the Oklahoma Waterways Advisory Board. The measure provides that a member appointed from the public at large must have professional experience and expertise in shipping, freight logistics or construction, operation, maintenance and rehabilitation of transportation systems. The measure would strike the current criterion that requires this board member to be an economist with not less than five continuous years of experience in inland navigation feasibility studies, operation, maintenance and rehabilitation issues and possess demonstrated knowledge of maritime towing industry.

A related measure, **HB 2910**, modifies the membership qualifications of the Oklahoma Waterways Advisory Board. The measure strikes the requirement that one member be an economist with not less than five continuous years of expertise in inland navigation studies and adds to the list of requirements that one member have professional experience and expertise in shipping, freight logistics or construction of transportation systems.

## Highway and Bridge Memorial Designations

Two measures, **HB 3018** and **SB 1524**, served as omnibus highway and bridge dedication bills. The measures provided for the dedication of the following bridges and portions of Oklahoma highways:

- President Ronald Reagan Memorial Highway;
- Charles "Chub" Shaw Memorial Highway;
- 2<sup>nd</sup> Lt. Joe Lee Cunningham Memorial Highway;
- Fire Chief Nolan Schmidt Highway;
- Warrior Highway;
- Veterans Memorial Highway;
- LCpl Lamont N. Wilson Memorial Highway;
- Lance Corporal Jonathan Stroud Memorial Highway;
- Captain Kyle King Memorial Highway;
- Ethel Hedgement Lyle Memorial Highway;
- Captain Frederick F. Henry Medal of Honor Memorial Highway;
- Army Ranger Staff Sgt. Vinson Bryon "Trinity" Adkinson, III Memorial Highway;
- Sheriff Frank Phillips Memorial Bridge;
- Airman Kamenski D. Watson Memorial Bridge;
- Wayne Chandler, Sr., Memorial Bridge;
- J.C. Malcolm Memorial Bridge;
- PFC Philip F. Gaines Memorial Bridge;

- First Lieutenant S.W. “Dub” George Memorial Bridge; and
- Specialist Joshua M. “Bubba” Seals Memorial Bridge.

### **Special License Plates**

**HB 2985** and **SB 1866** create the following special license plates:

- 1-179th Infantry;
- 2-179th Infantry;
- Combat Action Ribbon Recipient;
- Oklahoma Submarine Veterans;
- Frederick Bombers;
- Oklahoma Nurses;
- United States Navy Seabees;
- Civil Engineer Corps;
- Jenks Trojans Supporters; and
- Hilldale Education Foundation.

The Seabees and Engineer plate include a fee of \$8 in addition to all other registration fees, an amount used by the Tax Commission to offset administrative costs. The Jenks supporter plate includes a \$15 added fee, while the Hilldale plate includes a \$35 added fee, of which \$20 is apportioned to the education foundation. The measure also provides for the personalization of the Deer Creek supporter plate.

**SB 1257** adds a surviving spouse who receives Dependency and Indemnity Compensation from the U.S. Department of Veteran Affairs to the list of those who are eligible to receive a Disabled Veteran specialty license plate.

**HB 2488** exempts Purple Heart Recipient License Plates from the \$8 special license plate fee.

### **Miscellaneous**

**HB 2319** repeals the sections of law that relate to cabooses.

**HB 2320** repeals the section of law that requires a train station or depot to be named after the town or city in which it is located.

**HB 3157** modifies the section of law concerning highway advertisements by adding *relocation permit* to the list of definitions. The measure authorizes the Oklahoma Department of Transportation to revoke a permit issued to construct a sign if it is deemed by ODOT to be a discontinued sign.

## Veteran and Military Affairs

The Legislature continued to show its commitment to Oklahoma's men and women in uniform with legislation addressing the Veterans Commission and benefits.

Traumatic brain injury has become known as the signature injury of the conflicts in Iraq and Afghanistan. **SB 1604**, the Oklahoma Veterans Traumatic Brain Injury Treatment and Recovery Act, is an attempt to help those dealing with serious brain injuries. The Oklahoma State University Center for Aerospace and Hyperbaric Medicine is directed to prepare a standard treatment plan and any Oklahoma veteran diagnosed with a traumatic brain injury will be eligible for hyperbaric treatment at no cost, subject to the availability of funds.

Reflecting the desire to treat all veterans equally, **SB 1585** and **SB 1970** rename the War Veterans Commission of Oklahoma to the Oklahoma Veterans Commission. **SB 1970** also requires that at least one member of the commission must have served in the Persian Gulf Wars. **SB 1239** extends the commission's authority to give emergency aid to all discharged veterans, not only those who have served in a war. Benefits for Oklahoma's veterans are sometimes directed only to war veterans and other times to simply veterans or those who have been honorably discharged. Finally, **SB 1610** directs that the term *war veteran* be treated the same as the terms *veteran* or *ex-service person* for benefit purposes and removes the requirement that a veteran be someone who has served during a period of war or a military campaign.

**SB 1636** strengthens the audit requirements for veterans organizations that nominate commissioners to the Oklahoma Veterans Commission by requiring both performance and financial audits to be done with the results forwarded to the Governor and the Legislature, in addition to the secretary of state.

**HB 2374** changes the definitions of *hospital* and of *pharmacy* as used in the Oklahoma Pharmacy Act to include facilities operated by the Oklahoma Department of Veterans Affairs.

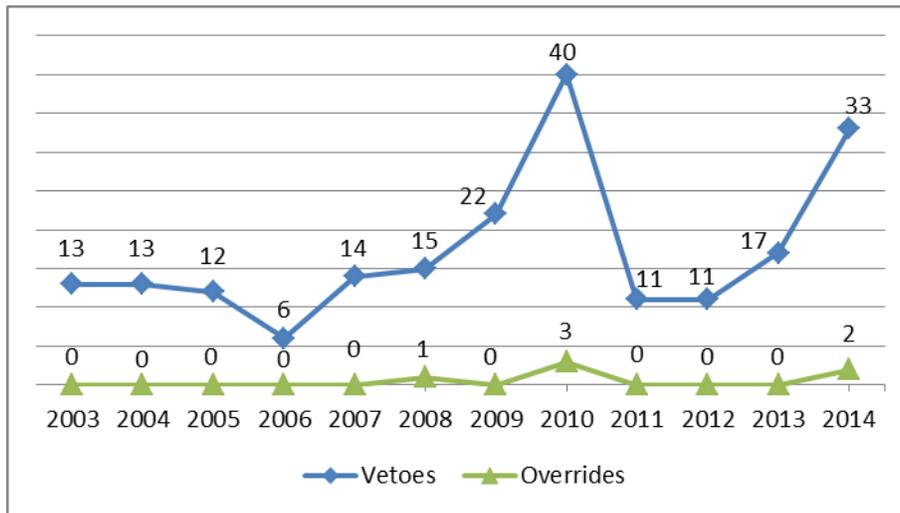
Honorably discharged veterans are allowed free admission to all state parks and museums. **HB 2934** clarifies that state-issued driver licenses and ID cards with the special veteran insignia are sufficient proof of that veteran status.

**HB 2554** directs the Board of Nursing to develop program guidelines for board-approved nursing education programs to facilitate the transition of veterans with prior military medical training and experience into nursing programs.

**HB 3509** directs the Oklahoma Tax Commission to issue a separate exemption card to a spouse or household member at the request of a person claiming the 100 percent disabled veteran sales tax exemption.

**SB 1777** requires state-operated veterans centers to be designated nonsmoking, effective January 1, 2015. Centers may designate outdoor smoking areas for residents only. All state-operated veterans centers must be entirely nonsmoking by January 1, 2018.

**Appendix I: Summary of Vetoes**



**HB 1473** would have authorized the use of a state purchase card for unregulated utilities and provided that the state purchase of regulated utility services is not subject to the provisions of the Central Purchasing Act.

*Governor’s Veto Message:*

“[t]he amendments are unnecessary and will have no impact on the application of current law.”

**HB 2527** would have created the Domestic Violence Legal Assistance Revolving Fund to allow Oklahoma taxpayers to make donations to the fund through their individual or corporate income tax return. The fund would have been administered by the Attorney General and provide financial assistance to indigent domestic violence victims for legal services.

*Governor’s Veto Message:*

“Current law already provides for this benefit for domestic violence victims . . . the creation of a fund with a more narrow purpose puts at risk both funds, which would result in fewer resources for victims of domestic violence and sexual assault.”

**HB 2539** would have modified the definition of *justifiable homicide* to allow for the defense of another person.

*Governor’s Veto Message:*

“[t]his Bill makes no substantive change to current law. . .”

**HB 2609** would have reduced the amount of time which must elapse before a person charged with a misdemeanor or felony can file for expungement.

*Governor’s Veto Message:*

“[t]his Bill makes minor substantive changes to current law and the passage of this Bill serves no significant interest of the citizens of the State of Oklahoma.”

*However this language was later adopted through the passage of SB 2140*

**HB 2627** would have reduced the time by which an employee of the ABLE Commission is prohibited from representing a licensee before the ABLE Commission after leaving employment.

*Governor's Veto Message:*

“[c]urrent law insures (sic) there are strong safeguards in place to avoid and discourage conflicts of interest, whether intentional or inadvertent. The weakening of this safeguard does not serve a significant interest of the citizens of the State of Oklahoma.”

**HB 2706** would have prohibited the sale of a compressed gas duster to a person under the age of 18.

*Governor's Veto Message:*

“[t]his Bill restricts the sale of a legal product in an attempt to prevent the misuse of the product, and criminalizes lawful behavior of retail employees in this attempt.”

**HB 2832** would have required the Tax Commission to issue a separate exemption card to a spouse or household member of a person eligible for the 100 percent disabled veteran sales tax exemption if requested by the eligible person so that purchases can be made on their behalf.

*Governor's Veto Message:*

“While I strongly support the sales tax exemption for disabled veterans and their spouses, this requirement is overly broad and does not contain adequate safeguards against the misuse of the sales tax advantage by those who do not qualify.”

*However this language was later adopted through the passage of HB 1033.*

**HB 2976** would have required hospitals to provide parents of newborns with information regarding the availability of a vaccine to protect the child against pertussis disease.

*Governor's Veto Message:*

“[w]hile I strongly support the prevention of pertussis in newborns, this Bill will not advance that effort.”

**HB 3000** would have required a mediation program, if ordered by the court, to disclose whether or not a party participated in mediation.

*Governor's Veto Message:*

“This amendment is unnecessary . . . current law requires the mediation program to inform the court of a party's failure to attend. . .”

**HB 3001** would have given the court the option to waive child support obligations for a noncustodial parent if the custodial parent prevents visitation or hides the child from the noncustodial parent for more than six months.

*Governor's Veto Message:*

“This bill effectively punishes a child and takes away financial support for that child for his or her parent's action by removing a noncustodial parent's financial obligation to support the child . . . In addition, this bill

does not account for extreme situations where a custodial parent may be required to protect a child from harm or abuse, in spite of a valid court order.”

**HB 3026** would have deleted obsolete language related to the State Council on Vocational Education.

*Governor’s Veto Message:*

“[this measure] is an exact duplicate of Senate Bill 2061, which I signed into law. . .”

**HB 3027** would have repealed the Student Tracking and Reporting Pilot Program.

*Governor’s Veto Message:*

“[this measure] is an exact duplicate of Senate Bill 2060, which I signed into law. . .”

**HB 3052** would have modified the duties of the Division of Central Accounting and Reporting by requiring that, unless specifically exempt, it prescribe all forms, systems, and procedures for administering accounting for all state agencies.

*Governor’s Veto Message:*

“[t]he amendments contained within [this measure] are non-substantive in nature. [This measure] serves no significant interest of the citizens of the State of Oklahoma.”

**HB 3158** would have allowed an emancipated person under the age of 18 in the custody of the Office of Juvenile Affairs to show proof of financial responsibility in respect to the operation of a motor vehicle without need of parental signature.

*Governor’s Veto Message:*

“[p]otentially removing parents and guardians from playing an active role in this critical time in their child’s life does not serve a significant interest of the citizens of the State of Oklahoma.”

**HB 3170** would have exempted students that have attained at least a proficient score on their End of Instruction tests for Algebra I, English II and two of the other required tests, from having to take any of the remaining tests.

*Governor’s Veto Message:*

“[t]his would result in an inability for administrators and teachers to accurately assess effectiveness of instruction methods and materials, and to accurately assess growth and improvement of all students individually and by grade level.”

**HB 3176** would have reduced the amount of leave a state employee is entitled to take with pay to attend meetings of job-related professional organizations which the employee is a member.

*Governor’s Veto Message:*

“[t]his change would allow state employees to have increased participation in professional and trade organizations at the tax payers’ expense.”

**HB 3358** would have repealed several statutes related to the advertisement and sale of secondhand watches.

*Governor’s Veto Message:*

“Repealing this statute leaves innocent consumers vulnerable and weakens law enforcement options against those engaged in dishonest business practices.”

**HB 3359** would have created the Oklahoma Construction Registry Act. The measure directed the Secretary of State and a newly created nine-member advisory council to design, develop and implement the operation of an online construction registry.

*Governor’s Veto Message:*

“While I support the modernization of the construction lien registration process, I do not support the expansion of government. This bill expands government through the creation of the advisory council.”

**HB 3367** would have prohibited municipalities or other political subdivisions from adopting any ordinance or regulation concerning the sale, purchase, ownership, use, possession, carrying, transporting, permitting or registration of knives.

*Governor’s Veto Message:*

“[this measure] serves no significant interest of the citizens of the State of Oklahoma.”

**HB 3417** would have prohibited a law enforcement agency or law enforcement task force from allowing a private non-law-enforcement or non-department entity or person to conduct or participate in a roadside traffic stop or arrest for a violation of traffic law or municipal ordinance.

*Governor’s Veto Message:*

“[t]his Bill is intended to prevent the outsourcing of law enforcement responsibilities, but is overly broad in its scope.”

**HB 3457** would have modified the powers of county commissioners by requiring that a cooperative agreement must contain a provision that details the assets to be utilized. The measure provided that either party can terminate the agreement if a party is unwilling or unable to meet the obligations of the agreement unless the terms are changed and consented to by both parties.

*Governor’s Veto Message:*

“ . . . this Bill attempts, through minimum requirement mandates, to manage issues at the state level which are best left for local control.”

**SB 814** would have allowed law enforcement to transport a person for medical care prior to arresting and taking the person into custody.

*Governor’s Veto Message:*

“[t]his Bill is inconsistent with current law, and provides no protection for local law enforcement agencies from unlimited liability arising from the medical costs of offenders.”

**SB 1195** would have established requirements for the regulation and construction of anemometer towers.

*Governor’s Veto Message:*

“ . . . the concerns attempted to be addressed by this Bill are better addressed through administrative rule making and civil remedies, rather than through criminal penalties.”

*However this language was later adopted through the passage of HB 3348.*

**SB 1315** would have required the Secretary of State to set the date on which circulation of an initiative petition may begin no less than three days, or more than 10 days, from the date when all appeals, protests and rehearing have been resolved or have expired.

*Governor's Veto Message:*

“. . . the bill . . . removes the procedures relating to the filing of referendum petitions with the Secretary of State and the time allowed to obtain the appropriate amount of signatures. Removal of that language creates ambiguity and uncertainty around the referendum petition procedure . . .”

**SB 1393** would have removed the requirement that an employer of an active full-time certified peace officer who failed to meet annual training requirements be given written notice of noncompliance.

*Governor's Veto Message:*

“[t]his Bill could result in those officers' immediate suspension and termination in spite of their military service or medical condition.”

**SB 1505** would have authorized agencies to offer employees to elect to be paid, one time annually, for a maximum of 200 hours of unused accrued annual leave.

*Governor's Veto Message:*

“[t]his Bill transforms leave time into a commodity and incentivizes employees to not utilize annual leave time.”

**SB 1577** would have modified the Open Records Act by adding the Oklahoma State System of Higher Education to the list of entities authorized to keep certain records confidential.

*Governor's Veto Message:*

“[t]he expansion of exceptions to the Open Records Act serves only to limit public access to information.”

**SB 1645** would have repealed statutes relating to disabled certificates, the Oklahoma Soldiers Memorial Hospital and the Oklahoma Union Soldiers Home.

*Governor's Veto Message:*

“[this measure] would create ambiguity in the ownership and control of this property.”

**SB 1673** would have created the Commodity Research Enhancement Act, which would have allowed any nonprofit commodity organization to petition the Oklahoma Commissioner of Agriculture for approval to conduct a state assessment referendum.

*Governor's Veto Message:*

“. . . the Bill is not clear that the designated nonprofit commodity organization would be responsible for the expenses incurred by the commissioner in conducting the public hearing or certifying the referendum election results. Second, the bill criminalizes any violation of the . . . act by way of a misdemeanor . . . regardless of one's intent or lack thereof to violate the act. These two issues result in this bill being contrary to the best interests of the State of Oklahoma.”

**SB 2080** would have created the Memorandum of Understanding Act, which would have required that when a state agency enters into a Memorandum of Understanding of Agreement, while the legislature is in session, the agency must provide the chair of the appropriate legislative committee with a copy of the agreement and that the agreement be published on documents.ok.gov.

*Governor's Veto Message:*

“[t]his measure's requirements for the annual report do not increase transparency but simply impose another burdensome and needless administrative mandate.”

**SB 2115** would have authorized the Pardon and Parole Board to receive additional compensation for work hours associated with the increased workload for non-violent parole processing.

*Governor's Veto Message:*

“ . . . an over 100 percent increase in members' salary is not responsible in a year where most State agencies are receiving significant budget reductions.”

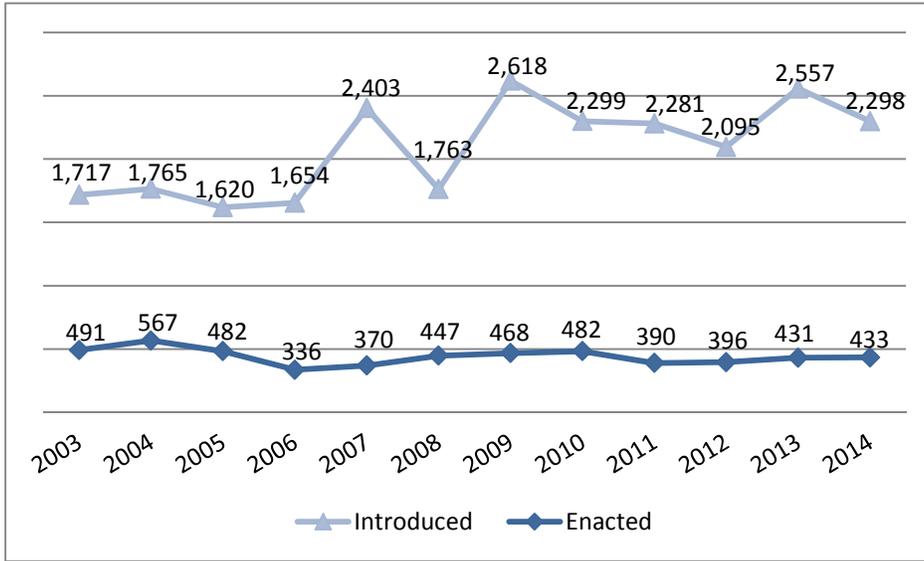
**Appendix II: Legislative Production**

**2014 Regular Session  
Statistics of Measures**

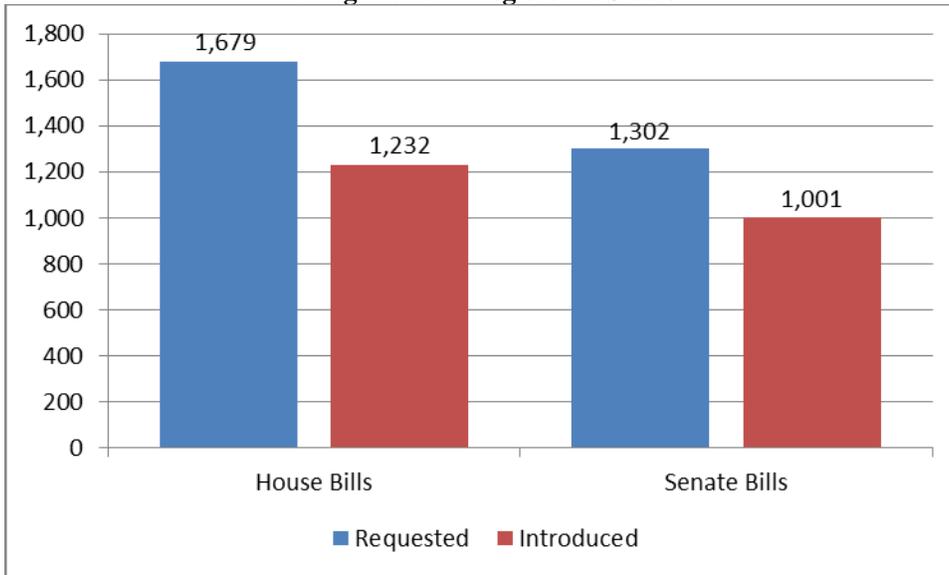
	<b>House Bills</b>	<b>House Joint Resolutions</b>	<b>Senate Bills</b>	<b>Senate Joint Resolutions</b>
Requested	1,679	42	1,302	28
Introduced	1,232	29	1,001	36*
Sent to Opposite Chamber	354	12	345	2
Conference Granted	44	4	57	0
Sent to Governor	258	2	212	0
Approved by Governor	225	2	202	0
Filed with Secretary of State	3	0	0	1
Vetoed	23	0	10	0

\*The increased number of Senate Joint Resolutions filed reflects the ability of the Senate to change the type of measure requested after the request deadline.

**House and Senate Measures and Joint Resolutions  
Introduced and Enacted**



**Measures Requested and Introduced  
During the 2014 Legislative Session**



## **Bill Subject Index**

### **ABUSE**

#### **Child:**

Child Abuse Response Team; full-time positions within the Oklahoma State Bureau of Investigation.

**SB 639**

Child abuse investigations; permitting Department of Human Services to contract with retired peace officers. **SB 1182**

#### **Domestic:**

Domestic abuse; making certain second or subsequent convictions of certain violations subject to certain other provisions of law. **SB 2046**

Domestic violence; directing peace officers to make certain assessment. **HB 2526**

### **ADMINISTRATIVE PROCEDURES ACT**

Administrative Procedures Act; modifying agency powers to require subpoenas relating to certain investigations. **SB 1648**

### **AGRICULTURE**

Agriculture; ensuring state control of federal programs regulating and inspecting farm fruit and vegetable production. **SB 1590**

#### **Dept. of Agriculture, Food and Forestry:**

Agriculture; authorizing the Department of Agriculture to inspect and license farmer's markets in Oklahoma and Tulsa Counties. **SB 1851**

Agriculture; modifying various sections. **HB 2566**

#### **Pesticide:**

Agriculture; modifying the Oklahoma Combined Pesticide Law. **SB 1884**

### **ALCOHOLIC BEVERAGES**

#### **Licenses:**

Intoxicating liquor; alcoholic beverages; adding definitions; adding licenses; charitable events; public events. **SB 1715**

### **AMUSEMENTS AND SPORTS**

Horsemen's bookkeeper-records; allowing the cancellation of uncashed disbursements. Effective date. **SB 1730**

### **ANIMALS**

#### **Dogs/Cats:**

Crimes against animals; modifying certain prohibited acts, penalties and exceptions relating to acts against police dogs and horses. **SB 72**

#### **Horses:**

Crimes against animals; modifying certain prohibited acts, penalties and exceptions relating to acts against police dogs and horses. **SB 72**

#### **Pet Breeders:**

Animals; modifying validity date of certain licenses. **HB 2765**

## **APPROPRIATIONS**

Appropriations and budget; Department of Transportation; expenditures; transfer; budgetary limitations; authorizations; fiscal procedures. **HB 3515**

Appropriations; relating to the Supreme Court; directing certain transfer. **SB 2135**

Council on Law Enforcement Education and Training; relating to private security and investigator license applications; modifying deposit of certain fee. **HB 3531**

Department of Human Services; requiring certain appropriated funds to be used for certain purposes; transfer; procedure. **HB 3523**

Oklahoma Water Resources Board; requiring transfers of funds. **SB 2136**

State employee compensation; providing for salary increases for certain state employees. Effective date. **SB 2131**

Workers' Compensation Commission; authorizing expenditure from the Workers' Compensation Fund. **HB 3538**

Workers' Compensation Court of Existing Claims; providing for creation of Revolving Fund; directing deposit of certain fees. **HB 3539**

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Attorneys' lien; creating certain notice procedures; requiring certain action to be commenced within specified time period. **SB 1077**

## **BOARDS AND COMMISSIONS**

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Oklahoma Commission on Children and Youth; providing continuing professional education and training. **SB 1793**

Public finance; modifying entity responsible for support of Cash Management and Investment Oversight Commission. **SB 1728**

Public finance; providing for deposits from certain fund; creating J.M. Davis Arms and Historical Museum Endowment Fund. **SB 1979**

Public health; requiring Board of Medicolegal Investigations hold annual election of members; Chief Medical Examiner to appoint Deputy Chief Medical Examiner. **SB 1183**

Soldiers and Sailors; War Veterans Commission; updating language; changing membership requirements. **SB 1970**

Uniform Building Code Commission Act; requiring training certification; rules. **SB 417**

## **BUSINESS AND LABOR**

Fireworks; relating to definitions and necessity for certain licenses and unlawful sales. **SB 1826**

Labor; Boiler and Pressure Vessel Safety Act; removing certain fee. **HB 2344**

### **Employees:**

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Authorized disclosure of confidential information; modifying entities to whom certain information may be disclosed. **SB 2078**

Employment; declaring preemption authority. **SB 1023**

Labor; Making Professional Employer Organization a third-party administrator for failure to register; requiring certain information to be filed; modifying unemployment compensation contributions. **HB 2914**

Labor; modifying various provisions of the Employment Security Act of 1980. **HB 2505**

Labor; prohibiting employer from requesting or requiring access to social media account of employees. **HB 2372**

### **Employers:**

Labor; Making Professional Employer Organization a third-party administrator for failure to register; requiring certain information to be filed; modifying unemployment compensation contributions. **HB 2914**

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**HB 2372**

**Employment Security Commission:**

Labor; modifying various provisions of the Employment Security Act of 1980. **HB 2505**

**Unemployment:**

Labor; modifying various provisions of the Employment Security Act of 1980. **HB 2505**

**Wages:**

Employment; declaring preemption authority. **SB 1023**

**CEMETERIES**

Cemeteries; authorizing municipalities to permit burial places in certain locations. **SB 1899**

**CHILDREN**

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Department of Human Services; authorizing contracts with certain facilities for certain services. Effective date. **SB 1449**

Foster children; requiring Department of Human Services to furnish credit report for certain children.  
**SB 1937**

Parental rights; conforming language; modifying certain procedure. **SB 1779**

Parental rights; creating the Parents' Bill of Rights. **HB 1384**

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**SB 1612**

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Child support; modifying procedures for establishing support; modifying requirements for certain notice.  
**SB 1993**

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Children; child death or near death reports; providing statements expressing sympathy by DHS are inadmissible. **HB 3473**

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**SB 1914**

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Juvenile Code; authorizing disclosure of certain records to certain persons. **SB 929**

**Deprived:**

Children; permitting application for emergency hearing in deprived child cases. **HB 2585**

Children; relating to termination of parental rights; providing for termination if substantial erosion of relationship exists. **HB 2130**

**Foster:**

Children; permitting parent or guardian to execute power of attorney to delegate care and custody powers to another person. **HB 2536**

Children; relating to recognition of interests and child placement proceedings; preparation of reports.  
**SB 2088**

Children; relating to termination of parental rights; providing for termination if substantial erosion of relationship exists. **HB 2130**

**Juvenile Affairs Office (OJA):**

Children; requiring juvenile bureaus to provide certain services to certain persons; standards; juvenile court case managers. **HB 2241**

Juvenile Code; authorizing disclosure of certain records to certain persons. **SB 929**

Office of Juvenile Affairs; authorizing Office to access certain data and facilities; directing promulgation of rules. **SB 1781**

Office of Juvenile Affairs; board to administer, operate and staff charter school; certain staff to be in unclassified service and eligible for Teachers' Retirement System. **SB 1902**

Office of Juvenile Affairs; prohibiting certain fees; permitting Office to access certain records. **SB 1791**

Office of Juvenile Affairs; requiring referrals to law enforcement agencies for abuse of certain children. **SB 1900**

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